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CALENDAR

OF

STATE PAPERS,

COLONIAL SERIES,

AMERICA AND WEST INDIES,

1699.

ALSO

ADDENDA,

1621–1698.

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CORRIGENDA.

Page 22, 4 lines from bottom, *for* Ashe *read* Aske.
,, 28, *No.* 48, *for reference see under No.* 51.
,, 29, line 4, *for* B. Cortland *read* S. V. Cortland; *and for reference see under No.* 51.
,, 55, *No.* 83, line 1, *for* Addison *read* Addington.
,, 66, line 20, *for* port *read* part.
,, 75, *No.* 123, line 1, *for* Josiah *read* Joseph.
,, 93, *No.* 159, line 1, *for* Hallams *read* Hallam.
,, 136, 4 lines from bottom, *for* by *read* my.
,, 157, *No.* 273, *in place of last two lines read only* [*Board of Trade.* Newfoundland, 25. *pp.* 291, 292.]
,, 160, *No.* 283, line 12, *add Signed,* J. Burchett. *Endorsed,* Recd. Read April 21, 1699.
,, 160, *No.* 283, line 13, *add and* 3. *No.* 137.
,, 178, line 20, *for* of *read* to.
,, 207, line 20, *for No.* 173 *read No.* 23.
,, 259, line 14, *for* Canda *read* Canada.
,, 267, *No.* 487, line 12, *for* Feile *read* Feild.
,, 277, *No.* 505, line 3, *for* Durasse *read* Ducasse.
,, 449, line 38, *for* F. *read* E.
,, 495, line 17, *for* Edward *read* Edmund.
,, 561, *No.* 1,019, line 2, *add* [? Markham].
,, 608, *No.* 1,190, *for* Dec. 6 *read* Dec. 26.
,, 615, line 4 from bottom, *for* J. Boothe *read* G. Boothe.
,, 624, *No.* 1,283, *for* Oct. 22 *read* Oct. 23.
,, 636, *No.* 1,333, *for* March 14 *read* March 19.

PREFACE.

APART from some pages of *Addenda*, which represent the accumulation of documents relating to Colonial affairs, discovered, since the publication of previous Calendars, amongst other sections of correspondence in the Public Record Office, the present volume contains the Colonial papers for one year only. But it is certainly not lacking in interest, whether historical or romantic. The year 1699 witnessed the capture of Kidd and the disastrous end of the Darien Expedition.

The Darien Expedition.

The Expedition, which owed its origin to the enthusiasm of William Paterson, the Founder of the Bank of England, the John Law of Scotland, had been promoted by the "Company of Scotland trading to Africa and the Indies." Ever since the opposition of the English Government (1695) had crushed the Scots Company in England, the pride of the Scots had been engaged in the affair. "From the Pentland Firth to the Solway," says Macaulay, "every one who had a hundred pounds was impatient" to subscribe. And the list of shareholders bears out his generalisation. Ships and stores were obtained from Holland. The first expedition sailed with sealed orders in July, 1698, "to settle a Colony in the Indies." Its exact destination was a profound secret. In this volume we first hear of it at Crab Island (Vieques) "so-called from the multitude of land-crabs there" (866), of which the Scots took formal possession in spite of the protest of the Governor of St. Thomas on behalf of the Crown of Denmark. Here they took in water, which seems to have proved the beginning of their misfortunes by sowing the seeds of disease, and here the sealed orders were opened. Their destination was announced to be that "door of the seas and key of the universe," as Paterson had described it, the Isthmus of Darien, which has tempted others since. Unfortunately for the success of the Scots, it had tempted others before. It was notorious that the Spaniards claimed the Isthmus. True, they had deserted the poisonous jungle for the haven of Panama. But the claim of Spain was good (456), and it was not likely that she would endure a Scotch Colony in the heart of her Transatlantic dominions. The developement of "Caledonia," as the new settlement was proudly called, implied war between Spain and Scotland, a war in which England must be involved. The Spanish Ambassador entered the strongest possible protest. The King of Spain, he said, regarded the Scotch descent upon Darien "as a rupture of the alliance between the two Crowns" (434 I.). It is remarkable that, in accordance with a Representation of the Council of Trade and Plantations, in which this aspect of the question had been ignored (*see* Calendar, *America and West Indies*, 1697, No. 1,305), the *Rupert* prize, Capt. Richard Long, had been despatched by the English Government, with secret orders, apparently in order to forestall the Company in their suspected intention of occupying the Isthmus. She arrived too late. But immediately this was known, orders from Mr. Secretary Vernon had been despatched (Jan. 2, 1699)[1] to the various Governors to stop all trade or correspondence with the Scottish settlers. Whereas, in their Representation of Sept., 1697, the Council of Trade had recommended the seizure of "Golden Island and the Port upon the Main" for the Crown of England, they now (May 26, No. 456), with a wisdom perhaps not altogether inspired by a sense of justice, asserted and admitted the prior claims of Spain. This "so much admired Caledonia" promised to be "the emporium of trade of America" (514), connecting the trade of the East and West Indies and tapping the riches of Mexico and Peru. The Spaniards, the Representation avers, would never suffer any European settlement there. "No subjects of any European Prince have ever attempted to plant any settlement there, not out of ignorance of those parts, but solely because such a thing could not be compassed without an open rupture with Spain" (456). Such a statement must have been written tongue in cheek. Whilst this report was being drawn up at home, Proclamations were being published by beat of drum with varying promptitude in the different Colonies, prohibiting all trade with the Scots at Darien, and the supplying them with provisions or arms (253, etc.). Historians have hitherto underestimated the number of these Proclamations. That ordered by the Council of Virginia (Nos. 334, 398), for instance, seems to have escaped notice. The Spaniards meanwhile prepared their Barlovento fleet for active service (626, 667). It was not to be expected that they would distinguish between the enterprises or the shipping of two countries disunited under one King. They at once began reprisals by seizing all the English vessels they found sailing in adjacent waters (85, 149 II., 505, p. 192). The first reports spoke of Scottish successes (667) on the mainland and at sea. But, whilst the shareholders in Edinburgh were rejoicing at the news of the successful settlement, and a second expedition was on the point of sailing from the Clyde, Mr. Secretary Vernon received (Sept. 15, No. 626) information from the Governor of Jamaica that "the Scotch have wholly deserted Caledonia." Sir William Beeston's letter came as a thunderbolt. The failure of the country's effort to establish a foreign trade led, as is well known, to a violent outburst of indignation in Scotland against the English Government. Sir

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[1] The date was long in doubt. (No. 529.) The letter is given *House of Lords MSS.*, *New Series*, No. 1486. Capt. Richard Long, with the *Rupert* prize, reached England late in December, 1698. (*Treasury Papers*, Dec. 1698, Vol. 58, No. 51.)

William Beeston, who had expressed concern in 1698 lest the "noise of gold" at Darien should tempt away settlers from Jamaica, had already hinted (April 14, No. 254) that the Scots were in straits. Stricken with fever and threatened with famine, news came to them on May 18 of the Proclamations and of the Spanish preparations to attack them, with their Indians, by land and sea. The surviving Colonists stampeded from their half-finished fortifications and their malarial swamps. Whether, if they had waited and had been properly furnished with funds, supplies would not have been forthcoming in spite of Proclamations, may be doubted, in consideration of the hints given in this volume (433, 878, etc.), and borne out by the narrative of Paterson, as to the readiness of many colonists to indulge in the prohibited trade, and of the inadequate policing of the seas by the West Indian squadron. As it was, at the beginning of August the *Caledonia* arrived in New York harbour. A third of her men had perished on the voyage. She was followed on the 14th by "another Caledonian (the *Unicorn*), having lost his masts and half starved and lost 150 men" (878 XII.). Almost simultaneously the relief expedition from Scotland was reported off Nevis (p. 406). The Caledonians were in "a miserable condition and starving." But they found many sympathetic countrymen at New York, and their ships of force were strong enough to terrorise the Lieutenant Governor (878, 878 VII., XII., XXII.), who could not punish the high-handed behaviour, born of desperation, in which, it is hinted, they indulged both on their voyage and at New York (878 XII.). They demanded and, after some demur, were granted sufficient provisions for their homeward voyage (697, 878 XII.). The *Unicorn* was left to rot at New York; the *Caledonia* sailed for Scotland in October. Meanwhile the *St. Andrew* had made her way to Jamaica, where, in acknowledging her salute, an explosion of gunpowder much damaged the fort (890 XV.). Many of her crew had died; the rest were in a deplorable condition. They were too weak to take her home, and remained to find employment on the island (739, 887).

Scotsmen and the Colonies

The Darien enterprise represents an attempt on the part of Scotland to obtain a share in the Colonial Trade. "The principal traders in East and West Jersics and Pennsylvania" were Scotch (512, 514). They were numerous in New York (878), and abundant in Virginia and Maryland (450 II.) Yet the Navigation Acts were so interpreted that a vessel was seized because she was owned by Scotchmen resident in London (433, 763); the question was raised whether Scotchmen had the right even to trade with the Colonies (579 XVI.); Governor Basse urged their exclusion from office in the Plantations (514); in various Governments there was a tendency so to exclude them, and the point was submitted to the Attorney-General whether Andrew Hamilton was qualified for an appointment as Governor of East New Jersey (39). The Attorney-General, Sir Thomas Trevor, gave his opinion that a Scotchman born was a natural-born subject of England (71).

Crab Island

The incident of the hoisting of the Danish flag on Crab Island, when the Darien Expedition touched there, the complaints of the President of Nevis (p. 503), and the dealings of the Governor and inhabitants of St. Thomas in Kidd's cargo, led to Rear-Admiral Benbow paying a visit to the latter island. The Governor, in reply to the Admiral's protest, answered that he would persist in hoisting "the Dane's flag on Crab Island, it being the King his master's," and as to the inhabitants trading with pirates, "he said it was a free port and they will trade with anybody." St. Thomas, Benbow observes, "would be of great use to our English nation in case of a war in these parts, and may be made very easy secure, which is now only a receptacle for thieves" (907).

Captain Kidd.

Capt. Kidd, also, was "a Scotch" (621) and at one time had thoughts of throwing in his lot with the settlement at Caledonia (p. 369). The Darien Expedition had been to a large extent manned by officers and soldiers of the rank and file thrown out of employment by the Peace of Ryswick. A host of desperadoes had also been set free by the cessation of the more legitimate industry of privateering. With the declaration of Peace they found their occupation gone, and at the same time they were tempted by the prizes of the Red Sea traffic, and by the discovery that a rich trade was being carried on unprotected by a naval force. The era of buccaneering, in which there had been some spice of patriotism, was therefore succeeded by an era of unmitigated piracy. Such was the case of Kidd, who having started as a privateer, partly financed by Bellomont himself, was now known to have committed several "notorious acts of piracy" on the coast of Malabar. Preparations had already been made at home for sending a squadron to Madagascar, "the great rendezvous of pirates . . to suppress them there" and at St. Mary's (15, 740 xii.), as well as for issuing Proclamations exempting Kidd and the notorious Every from pardon (p. 6). Upon the representations of the East India Company, letters were dispatched by Mr. Secretary Vernon (Nov. 23, 1698) to the Governors of the Plantations, which resulted in a general hue and cry after Kidd and his fellows. On May 18, 1699, the President and Council of Nevis wrote that they had news of Kidd. It appears that after leaving New York he had sailed to Madeira, and thence, after touching at Bonavista and St. Jago, to Madagascar. He then made his way to the Red Sea, and failing to capture any prizes there, cruized off Calicut till he took a small ship laden with cotton, which he carried to Madagascar in May, 1698. Five weeks later he seized the *Quidah Merchant*, a vessel of 400 tons, commanded by one Wright, an Englishman, which he carried into St. Mary's, and there shared the goods with his company, which then numbered some 115 men. He had next sailed from Madagascar in the *Quidah Merchant;* touched at Anguilla at the end of April, and, failing to obtain supplies there, made for St. Thomas'. The Danish Governor also refusing to help him, he had sailed for Porto Rico. The President and Council of Nevis thereupon ordered H.M.S. *Queenborough* in search of him (404). She returned from a wild-goose chase with news from the Virgin Islands (501) that Kidd had gone to leeward, it was thought to Darien. At the beginning of June (495) he appeared in Delaware Bay. The Quaker Government would take no notice of him, or of the trafficking of the inhabitants with him. But Col. Quary despatched an express to the Governor of Virginia for a man-of-war. A month later Lord Bellomont had the satisfaction of announcing that he had secured Kidd (July 6th) and that he was now in irons in Boston gaol (Nos. 578, 621 and p. 369). Bellomont had conducted the affair with considerable shrewdness. Kidd had endeavoured to extract a promise of pardon before landing at Boston, and, with a view to making terms, he tried to bribe the Governor by presents of jewels and ingots to Lady Bellomont (pp. 334, 367). Bellomont, who had kept Mr. Vernon's orders for the arrest of Kidd secret, promised the pirate pardon if he should prove "as innocent as he pretended to be"; and only arrested him when he "looked as if he were upon the wing."

His Arrest in Boston.

His Defence.

Kidd, of course, had some explanation to offer (680 xxv). He had done nothing contrary to his commission "against the King's enemies, and pirates, and those sailing with improper passes," save what a mutinous crew had compelled him to do. The Moorish ships he had seized by mistake; they were sailing under French passes and he supposed them to be lawful prize. On discovering his error he would have delivered the *Quidah Merchant* up, but his men "violently fell upon him and thrust him into his cabin and carried her into Madagascar" (680 IV.). Other evidence, however, shows that "he was very crude to his men and abused them, especially such as did not adhere to those evil practices." At St. Mary's the *Adventure* galley, the ship in which he had sailed from Plymouth in 1696, and which had become unseaworthy, was unloaded and burned, and the pirates evidently fell out among themselves. Ninety of Kidd's men deserted him and sailed away in the *Mocha* frigate, under one Capt. Culliver, "bound out to take all nations" (p. 377). Perhaps his crew were envious of Kidd's 40 shares of the plunder. At any rate there were ugly scenes. We catch a glimpse of Kidd, besieged by his murderous crew, "locking himself into his cabin at night"—the cabin in which a merchant of Barbados had "died suddenly" (680 XXV.) in January—"and barricading it with bales and having about 40 small arms besides pistols ready charged" to keep them out (680 XXV.); and, again, when they had broken open and rifled his chest, "Kidd in a passion struck his gunner with an iron-bound bucket" (890 XII.) and killed him.

From Madagascar Kidd sailed in the *Quidah Merchant*. But on learning at Anguilla that he and his people were proclaimed pirates, he ran his ship into a creek upon the coast of Hispaniola. "A sheet of paper will not contain what may be said of the care I took to preserve the owners' interest and to come home to clear my innocency" (680 VI.). From this spot he traded with Bolton, a merchant of Antegoa,[1] and with Burke, an Irishman, of St. Thomas'. The cargo of the *Quidah Merchant* was shipped off in sloops and sold at St. Thomas' and Curaçoa (p. 489). Kidd purchased a sloop from Bolton, loaded her with plunder, and, leaving the *Quidah Merchant* in Bolton's hands in a lagoon on the coast of Hispaniola, coasted along the shores of

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[1] He had been Collector of Customs there. *See* MSS. of the Duke of Portland, *Historical Manuscripts Commission*, Vol. VIII., p. 82, where the position of the ship, moored in the River Higuey, is indicated.

Pennsylvania, and communicated with his friends in New York. He touched at various spots well known as "receptacles" of pirates' goods, and landed bales and chests in Delaware Bay, Block Island, and Gardiner's Island (680 XI.). When this was accomplished he opened negotiations with Bellomont from Long Island (621). He can hardly have expected that the story of his innocence would prove convincing. He probably relied upon purchasing his pardon or escape by bribing the Governor and his gaolers (pp. 334, 369). For in addition to his jewels and gold dust, and his diamond-buttoned waistcoat (746) he had strong cards to play in the buried treasure (pp. 367, 368) and the hidden pirate-ship, whose identity he endeavoured to conceal. But just as a ship was being despatched from Boston in search of the *Quidah Merchant*, the master of a trading vessel reported that he had seen her on fire. "There never was a greater liar or thief in the world than this Kidd," Bellomont exclaimed in exasperation (p. 369), and set himself to recover what he could of the pirate's deposits. But of all the rumoured "near half a million sterling on board in bullion" (740 XIII.), only a few thousands were traced and seized (p. 368). A document (740 XX.), so romantically rotten that it might serve as a frontispiece for one of Stevenson's novels, gives Kidd's inventory of the treasure in his chest deposited in friendly hands on Gardiner's Island. In view of contemporary and subsequent belief in the value of the cargo of the *Quidah Merchant*, it is worth observing that, whilst Kidd suggested that the value of the cargo of the "great ship left . . where nobody but himself could find out" was £300,000 (p. 366), Bellomont himself estimated the value of it at not more than £70,000 (621), chiefly in perishable bale-goods. There is, besides, abundant indication in this volume that the deposits made by Kidd, like the main cargo, were at the disposal of his friends. Finally, the fact that

Buried Treasure.

the *Quidah Merchant* "was apparently never found"[1] is not strange in view of the evidence that she was burned (680 x.), probably by Kidd's orders, after having been emptied by his agents, in order to avoid identification (p. 369).

Meantime Bellomont had been unable to get a bill passed for punishing pirates with death (680, 746), the "sour part of the Council" of the Massachusetts Bay replying to his arguments by asking what "the Laws of England had to do with them; they were too much cramped in their liberties already." Seeing that the gaol was now filled with Bradish's crew and with Kidd and his men, the Governor waited anxiously for orders from home (746). "I would give £100 they were all in Newgate." (1,015). For it was one thing to capture pirates and clap them in gaol; it was another to keep them there in a country where gaols were not fast, gaolers not reliable (pp. 128, 335, etc.), and where the sympathy of the people was by no means unanimous on the side of law and order.

Capture and Escape of Bradish.

Bradish, a boatswain's mate, who had turned pirate and run away with a ship whilst his captain was on shore (247), having deposited his booty on Long Island and sunk his vessel, had, together with his crew, landed and scattered over the Continent. Several of them were seized in New York, Boston and Connecticut. Less than a fortnight before Kidd was arrested, Bradish himself and Tee Wetherley had escaped from Boston gaol, with the connivance of the gaoler, whose conduct Bellomont could with difficulty induce the Council to resent (pp. 335, 368, 554). The offer of a handsome reward led to their being retaken by the Indians in Maine (p. 487), and in November Bellomont had the satisfaction of announcing that the "arch-pirate Gillam," *alias* Kelly (1,015), was in irons in Boston. This man, who had murdered Capt. Edgecomb in his sleep and seized the East Indiaman, the *Mocha*, had been a-roving in

He is retaken.

Capture of Gillam.

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[1] Dict. Nat. Biog.

the Red Sea and Indian Ocean with such success that it was reported from Madagascar that the *Mocha* had taken over £2,000,000 sterling (1,011). Gillam then made his way to the West Indies, and, after being harboured in Rhode Island, was allowed to escape to the nest of old pirates at Long Island, the east end of which rivalled even the Quaker Government of Rhode Island as a "receptacle" of pirated goods (1,011 IV., V., p. 472). Bellomont, however, was warned that Gillam was coming to Boston, and he gives a very lively account of the circumstances of his arrest there (1,011).

Continued Increase of Piracy.

In spite of these captures piracy continued to flourish. "Pirates multiply very much," Bellomont writes in August, "and will endanger a total loss of the trade from England to the East Indies, unless speedily suppressed. Their retreat in all the Plantations in America must be cut off" (746, 769 XVIII.). Frequent instances occur of seamen seizing their ships and turning pirates. Such, in James' River, was the fate of the ship in which Col. Webb, the retired Governor of Providence Island, was taking home the property which, Bellomont suggests, he had accumulated by treading in the footsteps "of his predecessor Trott, the greatest pirate-broker that ever was in America" (p. 414). The ex-Governor himself narrowly escaped being murdered "with one of my own bayonets, which was called the Silent Instrument" (550). In fact, in many of the Plantations, a large part of the population seems to have been in favour of or in league with the pirates. Piracy and unlawful trade were "the beloved twins of the merchants of" New York (p. 69). For the boundary line between piracy and illegal trade was easily overstepped.

Illegal trade, which was to a large extent the outcome of the narrow and selfish policy of the Colonial system, tended to increase as the Acts of Trade and Navigation became more severe, or were more rigorously enforced

(573). Governors and people had alike encouraged it. A host of smugglers and lawless men had thus been bred, who were ready either to turn pirates or, what was even more profitable, to trade with pirates (p. 361). How profitable was the business of bringing back pirates, as passengers, with their booty, from Madagascar to the Plantations, how openly this trade was carried on, and with what connivance, may be gathered from the voyage of the *Nassau* under Capt. Giles Shelley (512, 512 II., 530 I., p. 361, etc.). The *Nassau* was one of those ships, which had been fitted out from New York in the previous year, designed, as Bellomont then suspected, for trade with the pirates at Madagascar, and for which he had in vain endeavoured to induce the Council to take good security (706). In the presence of such profits as Capt. Shelley could show (512 II.), it is not perhaps surprising that "the sweetness of gain" should "draw many aside" (1,011 IV.), or that Shelley, having "so flush'd 'em at New York with Arabian gold and East India goods," was able to set the Government at defiance (p. 402).

Trade with Pirates.

Inadequacy of the West Indian Squadron.

Shelley's success in landing his cargo and pirate-passengers depended (512 II., p. 403), like that of other illegal traders and pirates, upon the presence of accomplices ashore, and upon the absence or inadequacy of the naval police. Already, early in the year, the Governor of Barbados had written to point out that with only one "heavy, crazy vessel, miscalled a cruizer" at his disposal, he was powerless to annoy pirates, though pirates might well annoy the trade of Barbados (72). A few months later the *Providence*, a pirate ship of 26 guns and 150 men, who said they had £3,000,000 sterling aboard (711), sailed into Linhaven Bay, and seized a merchantman, after an engagement with H.M.S. *Essex* prize, which lasted four hours and ended in the man-of-war being forced to take to her heels. Whereupon from Virginia and Massachusetts Bay came renewed demands for protection (693, 905, p. 403). Bellomont suggests a fifth-rate for New York and a fourth-rate for Boston, since "many of their ships are a match for a fifth-rate" (p. 404, No. 769 XVIII.). The evil of piracy, in fact, which we have seen growing in former volumes, had now reached such magnitude that the whole legitimate trade of America was threatened with ruin, whilst even the towns upon the coast were not safe from piratical raids (877, 877 I.).

The Work of the Council of Trade and Plantations.

The Council of Trade and Plantations were fully alive to the gravity of the situation. The present volume gives evidence in plenty that they had a full share of the business energy and enterprize characteristic of the period. The range of their activities was very wide. They dealt in the course of this year with many important, some elaborate, and some delicate affairs with tact, wisdom and strength. Their papers, thanks, no doubt, in large measure to the excellent method of Mr. Popple, the Secretary, were kept in orderly and business-like fashion. Accepting the economics of the XVIIth century, they fulfilled the terms of their Commission most industriously. By their new Commission (532) Lord Stamford and Lord Lexington took the seats of Lord Bridgewater and Lord Tankerville at the Board. The Council, as a rule, were on the side of the Angels, supporting good Governors and checking bad Governors, fostering and regulating trade and shipping, upholding British claims, adjusting boundaries, rebuking injustice, inculcating business-like habits in the new countries, and occasionally even exercising the kindly function of a diplomatic schoolmaster in reconciling a Governor with an angry resident. The steps by which the difference between Mr. Lucas and Governor Codrington was composed (233, 335, etc.), teem with quiet humour. None the less, the effecting of such a reconciliation must always be of considerable practical value in a small community.

Endeavours to Suppress Piracy and Illegal Trade.

Nor were the Council of Trade behindhand in recommending measures for the protection of the Colonies both by land and sea. They pressed for an increase in the number and quality of the men of war in those parts (29, etc.), and backed the demands of Lord Bellomont and Governor Grey (275, etc.). They met, however, with little encouragement from the Admiralty, who declared (42, 330 I.) that the increase was unnecessary, and that they could not spare the ships. There were, of course, strategic reasons for not scattering the Navy (1,089), especially as the present peace was generally felt to be little more than a breathing space. But, apart from this, the furnishing of a sufficient Naval force to check piracy on the scale to which it had now grown, must be a costly affair. All good administration is, amongst other things, a question of money. And there are many indications in this volume of the lack of it. The expense of the wars abroad and embezzlement at home had drained the Treasury. Every department suffered accordingly. In the Navy Rear-Admiral Benbow found his activity crippled by lack of men and the badness of his sails (p. 503); the salaries and incidents of the Council of Trade Office itself were seriously in arrear (226, 588, 650, etc.), whilst in New York, as in Newfoundland, the soldiers were left unpaid, naked, and starving (121, 217)—at what risk we shall presently consider.

The Council of Trade and Plantations, then, was not likely to rely wholly upon the Naval Police to suppress piracy and illegal trade. By the Act for preventing frauds and regulating abuses in the Plantation Trade they had secured the erection of Courts of Admiralty "to counteract the partiality of the people" in cases relating to the breach of the Acts of Trade. Through these Courts, and these only (p. 47), some convictions were, with difficulty, obtained (138, etc.). Circular letters were again addressed to the various Governors (July 6), urging them to enforce the Acts of Trade and Navigation, and to protect and encourage the officers of the Customs and of the Admiralty Courts (601).

Intimidation of Custom House Officers

In his preface to the *Scarlet Letter*, Nathaniel Hawthorne has drawn a delightful picture of the patriarchal veterans, "seated like Matthew at the receipt of Customs, but not very liable to be summoned thence, like him, for apostolic errands," whom he found under his charge at Salem, when he held office as Surveyor. Honesty was not their foible, nor were their labours exacting.

But in the year 1699 the task of an honest Custom House Officer was a singularly difficult and disagreeable, if not dangerous, one. The officer appointed to survey and search Oyster Bay on Long Island, "where great quantities of goods are run," resigned in fear of his life, within a month (p. 211), nor could Lord Bellomont induce even a Lieutenant of one of the New York Companies, though "a brisk man and ready to starve for want of his pay" (p. 212), to fill the post. In Bermuda the undaunted Surveyor General of Customs, Mr. Randolph, spent more than half the year once more "rotting in a gaol" (392), as the reward for executing his Commission. In Barbados, several merchants and planters, engaged in illegal trade, openly proclaimed that they "will make it not worth any man's while to serve the King here, and that if any of the Custom House Officers shall for the future presume to put in execution the unreasonableness of the Acts of Trade and Navigation, it shall cost them a thousand pounds sterling but that they will either get them turned out at home or ruin them here." And they so intimidated the officers who made seizures in the port, that they were ready to throw up their commissions, saying "it was hard indeed a man must either be forsworn, betray his trust, or be thrown into a gaol and ruined by these ——— most dangerous sort of people." The ink has been dry upon this document (476 II.) for over two hundred years, but the emotion felt by these honest officers still shines forth from the decent obscurity of their blanks and dashes. It was necessary therefore to commend the support given to the Custom House officials by Governor Grey, and to exhort others to encourage them. The experience of Col. Quary at Philadelphia (138) will illustrate the need there was for similar encouragement of officers of the Admiralty Court.

The question of the right of appeal in certain cases had been raised by the Governor and Council of the Massachusetts Bay. It was represented by the Council of Trade, in concurrence with the opinion of the Attorney and Solicitor General, that according to their Charter an appeal of right should be allowed in personal actions involving the value of *over* £300, but in any action arising out of the seizure of a ship or goods appeal should lie, whatever the value, since otherwise illegal traders might easily arrange to evade appeal by taking care that no seizure could exceed £300 in value (234, 646).

Patent Offices.

An attempt was also made to put in force the Order in Council obliging holders of Patent Offices to residence in the Plantations, since it was seen that underpaid or unqualified Deputies were not likely to be the most efficient administrators (104, 177, 552, 769 XIV.).

Other Measures for suppressing Piracy.

Letters were also written to the Governors directing them to use their utmost diligence in suppressing piracy (June 6, 552). In view of the "support and encouragements" which pirates received, especially in the Proprieties and Charter Governments, the Board had proposed the enacting of Laws in the Plantations, for the trial and punishment of pirates, in conformity with the law previously passed in Jamaica to that purpose. Acts "for punishing privateers and pirates" were accordingly introduced in the various Assemblies, but, as passed, the provisions of the Jamaica Act were so mutilated as to be rendered futile (495). Steps were therefore taken for laying a Bill before Parliament to deal with the matter next year (945). In the meanwhile "considering the want of laws in some places for punishing them, the insecurity of the gaols in many, and the great partiality and favour of the people towards them almost everywhere" (774), directions were given for sending home for trial in England all the pirates and their goods seized in any of the Plantations (749, 774, 924). A man-of-war—the *Rochester*—was despatched at the beginning of December to bring back Kidd and the other pirates accordingly, but, meeting with a storm at sea, she was forced to put back to Portsmouth, severely damaged (1,034). Strict injunctions were also given for the prosecution of Bolton and Burke, and for the punishment of the Boston gaoler (856, 860, 1,042).

With a view to checking the irregularities of trade and government in the Charter and Proprietary Governments, the Act of Parliament had been passed, which, as the result of the Representations of the Board, obliged Governors to have the King's approbation for acting in that capacity. We find that during the present year the Council of Trade took pains to make the Proprietors and Governments present their respective Governors to His Majesty, and, in order to his approbation of them, to give security for their observance of the Acts of Trade. We shall see, next year, how little success they achieved in that direction.

Finally, on Nov. 9, the Council of Trade returned to the charge, and again represented the need for stronger naval protection. The growing danger is painted in lively colours. The mere sending for the pirates now in custody would not suffice:—"The sum of our advices import that the pirates hovering upon those coasts do not only surprise ships coming into or sailing out of their ports and sometimes sink and destroy them, but enter into their very bays and harbours, plundering such ships as they can surprize of their rigging, provision and ammunition, debauching and engaging many of the seamen to quit their honest employments and go along with them, fitting out such of the ships they surprize as they find proper for their purpose with the things that they plunder from others, manning their ships with the men whom they so debauch and increasing thus their strength to such a degree that the apprehensions of future mischief may not only be from single ships but squadrons, and the corruption already spread and still further spreading by this means amongst our seamen may in the end prove too universal, that we humbly conceive the consequences are greatly to be dreaded. For the remedy, therefore, the Governors having complained to us of the insufficiency of the ships of war appointed to attend their respective governments, we offer that such a sufficient force of well sailing ships as may be thought necessary and proper to clear those seas from pirates be appointed for that service" (943). This representation was referred to the Admiralty, but without effect.

Restrictive Trade Laws.

It was the commercial policy of England, as of other countries, to secure by restrictive laws a monopoly of the Colonial trade for the mother country, thereby fostering her carrying trade and ensuring the opportunity of taxing Plantation commodities (791); and also to crush every manufacture which could compete with home industries. A striking instance of such restrictive legislation is supplied by the clause which the Board submitted to the House of Commons, to be added to the Bill for encouraging the woollen manufacture in England (40). It was intended to repress the woollen manufacture, which was growing up among the colonists, and to destroy the inter-colonial trade therein (32). The theory of Trade, in fact, was that the colonists "should be only employed in such things as are not the product of this kingdom" (32). The Council of Trade was not behindhand in encouraging Colonial produce of this sort. The supply of Naval Stores is a case in point.

Encouragement of certain Colonial Produce.

The Eastland Company, which enjoyed a monopoly of the trade in pitch and tar, with which Sweden supplied the British Navy, had inordinately raised the prices of those articles. This rise in price led to the opening of a new source of supply in the virgin forests of the West. A Commissioner from the Navy Board was despatched to New England and joined with a Commissioner of that colony to inspect the woods lying upon that coast and to report upon the prospects of obtaining supplies of masts, pitch, tar and rozin from the American Colonies. Some of his reports, destined to bear fruit in the Acts of 1703 and 1711 encouraging by bounties the import of tar, pitch, hemp and masts, are printed in this volume. A cargo of specimen timber was despatched home (p. 428). Meanwhile Edward Randolph reported enthusiastically of Carolina as "the only place for such commodities" (183), whilst Lord Bellomont, after carefully comparing the advantages of New York and New Hampshire in this respect (267), begot a scheme for the production of Naval Stores, which he elaborated in great detail and with much satisfaction (878, 894). His plan, which was to answer "the two greatest ends that can be thought of, the defence of the Colonies and the furnishing England with Naval Stores" (p. 152), was to employ 1,000 soldiers in making tar, pitch, rozin and turpentine, giving them *4d.* a day beyond their ordinary pay, and keeping back a shilling a week out of it, in order to provide them with the necessary capital for their houses and stock when, at the end of seven years' service, they should settle on grants of land. Bellomont nursed his bantling scheme with jealous pride (817, 894), for others, he found, were eager to "plough with his heifer." The consideration of the whole matter occupied the Board next year. Meantime, Bellomont saw to it that the cutting of trees fit for masts for H.M. Navy was prohibited (878 IV.), and, in his zealous fashion, did his utmost to stop the shipping of timber from New England to Portugal, where he feared it might be converted to the use of the French King (986). We see, then, in this year the first beginnings of the vast trade in timber and tar, which has lasted down to the present day. The timber trade had already reached considerable proportions in New Hampshire (769 XIV.). And from Carolina, as well as pitch and tar, came a fine sample of the rice-crop, which had been recently introduced from Madagascar (671).

Admiralty Passes.

The arrangements to be made for providing English ships, trading with the Plantations, with Admiralty "passes," in order to secure them from seizure by the Algerines, was another matter intimately affecting Colonial Trade, which occupied much of the time of the Board. And in connection with the developement of the commerce of the Plantations, it is interesting to observe that in many quarters the demand for a properly regulated currency began to be increasingly felt. In many of the Colonies all transactions were still conducted in terms of truck and barter. As the words "fee" and "pecuniary" embalm the cattle-standard of a primitive pastoral society, so the business of the early Planters was expressed in values derived from their staple article of production; in Newfoundland they calculated in terms of fish, in Virginia of tobacco, in the Leeward Islands of sugar; in Montserrat a lieutenant is allowed 1*s.* 6*d.* *per diem*, or 12*lbs.* of sugar (173); in Maryland four negroes, or £100, is the alternative form of a reward (652). No commercial community can remain satisfied for long with such a system of exchanges, but when the colonists turned to coins they were confronted by a medley of sous and dollars, of pieces of eight and Venetians; the coinage of all countries, of no certain value, which passed at different

Currency of the Plantations.

rates of exchange in the various Plantations. This must have been a serious check to trade, and a growing desire is manifested to fix a currency by law. The Governors' Instructions warned them against dealing with the question without permission from home (766).

Imperial Defence.

"Posterity," says Burke, "will perhaps think it unaccountable that, in a matter of such importance, we could have been so thoughtless as to have on our back such a nation as France, without determining, in any manner, even sufficiently clear to settle our own demands, what part of the country was our own right, or what we determined to leave to the discretion of our neighbours; or that, wholly intent upon settling the sea coast, we have never cast an eye into the country, to discover the necessity of making a barrier against them, with a proper force; which formerly did not need to have been a very great one, nor to be maintained at any great expense. That cheap and timely caution would have saved us thousands of lives and millions of money, but the hour is now passed."[1]

Probably in no year, even in the history of England, was the problem of Imperial defence treated, I will not say with the thoughtlessness which Burke imagined, but with such deliberate and criminal folly as in the year 1699. In any scheme of Imperial defence it was obvious that the Province of New York was the "key and bulwark of the Colonies on the mainland" (121). The security of this, the most advanced, frontier of the English Plantations, was of the utmost importance to the existence of the rest (p. 153). It was represented, again and again, by Bellomont, by the Agent for New York in London (121), and by the Council of Trade (128), that this frontier was being left exposed defenceless to the attacks of the French. The wretched garrison of 400 men, now diminished by death and desertion to less than

Miserable Plight of the Garrison and Forts.

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[1] "An Account of the European Settlements in America."

200 naked and starving soldiers, was urgently in need of recruits and pay. It was shewn that the forces had received scarcely a farthing of pay or subsistence for twenty-six months, and that Bellomont's credit, which he had pledged with the victuallers on their behalf, was exhausted. For want of timely repairs the forts were "more like pounds than forts," and, at Albany, so rotten were the platforms that the Governor did not dare to fire a gun (p. 172).

The Indians Wavering.

It was pointed out that, not only was the fur-trade jeopardised by this weakness, but, unless a show of force was constantly maintained in New York to protect them, the alliance of the Five Nations was at stake. Our Indians, indeed, had suffered terribly. At the beginning of the war they had numbered 3,500; they were now reduced to 1,100 (250), and seemed on a fair way to extinction (77 I.). And this was due, not only to their losses during the war, but also to clandestine murders by the French Indians since the Peace (pp. 136, 471). The uneasiness of the Five Nations was increased by the apparent weakness of the English, the detention of some prisoners by the Governor of Canada (198), and by the rumour, industriously circulated by French missionaries, that the King of England intended to disarm them.

Lord Bellomont's Proposals.

Bellomont exerted himself to combat the inclination of the Indians to treat with the Governor of Canada, and to shelter themselves beneath the power which seemed the strongest. Their defection to the French, followed by that of the other Indians, would be fatal. To counteract the "sinister artifices" of the French Jesuits (p. 153) he proposed the sending forth of English Protestant missionaries; he proposed the building and repairing of the forts; he asked leave to hold a conference with the Governors of Pennsylvania, Maryland, Virginia, and Carolina, at Philadelphia, with a view to calling into existence a new trade with new nations of Indians, such as the Dowaganhas, who lay to the westward, behind

Virginia and Carolina, in order to redress the balance of the old (77 I., p. 471). Otherwise, he foresaw the French would soon engage and train the Western Indians to fight for them. Their success in so training them was already sufficiently alarming. "Formerly 100 of our Indians would have made 1,000 of 'em run, and now it is the French have taught 'em to fear ours so little as that they will venture to fight 'em upon the square" (p. 153).

Energetic Preparations of the French.

For the French were making every effort to "debauch and inveigle" the Indians from their alliance with the English (77 I.); and to extend their dominions "further than is consistent with the interest of England" (p. 153). In Canada they kept an establishment of 1,500 men and were strongly fortifying Quebec; they were busy building and repairing their forts, of which they were said to have no fewer than eight between Quebec and Montreal (267).

News came, too, that M. de Tonti had planted a fort 700 miles from Canada, in the Dowaganhas country. The object of the first series of forts, lying close together, was to encourage settlers on the border; the object of the remoter forts was, clearly, to establish a trade and influence among the Indians that lived "upon the back of His Majesty's dominions."

Contrast between Jesuit and Protestant Missionaries.

But, whilst at the bidding of their superiors the French Jesuits were ready to face every risk and hardship and to set up a sphere of influence in every Indian "Castle," however distant, for love of the cause, no Protestant ministers could be induced, even by the offer of £100 a year, to answer the earnest and repeated appeal of the Indians themselves, to go to teach Christianity to the Five Nations (p 555). Indeed, the Protestant clergymen who were tempted to the West Indies at this period were not of the sort likely to think the hope of a reward in another world sufficient encouragement to turn missionaries (458).

Reduction of the New York Garrison.

And, whilst Bellomont was patriotically endeavouring to impress the authorities at home with the incalculable riches of the American Colonies and with the risk that was being run of losing them (267, 878, 1,011), the party politicians with their nine hours debate in the Commons (Dec. 6) were intriguing to wreck him, and advice was offered at the Council Board, by which, in direct opposition to the recommendations of the Council of Trade, the establishment of New York was reduced by one half, to four companies of 50 men each.

Neglect of the English Forts.

As to the neglected forts on the Canadian frontier, upon which the very existence of New York, Jersey, Pennsylvania and Connecticut depended (116 I.), almost nothing was done. Bellomont insisted upon the necessity of repairing the forts of Albany and Senectady, and of building two new forts, one to the North-East of Albany, at the end of "Corlaer's Lake," and the other in the Onandage Country, in the heart of the territory of the Five Nations, opposite to the French fort at Cadaracqui (p. 153). These forts he proposed to garrison with 1,000 soldiers, whose expenses were to be defrayed by his scheme for the production of Naval Stores (p. 153). As to the expense of building and maintaining them, it was felt that New York could not be expected to bear the whole of it, but that the other Colonies, who benefited by them, should contribute their quota. Nothing, however, was done, though some steps were taken towards a decision as to whether the Colonies should pay for their own military stores. The Council of Trade did indeed obtain permission for Col. Romer, the Engineer, to remain in America and repair fortifications (15), whereupon Bellomont despatched him to survey and estimate for forts to be built at Piscataqua, Pemaquid, and the "Island which commands the harbour at Boston," as well as the frontier forts (384, 116 VI.). His report upon the defences needed at Boston is of interest (533). But Bellomont could not induce the

Colonists to take any steps to secure their own safety. "There being now a peace, they have no remembrance of the war" (p. 412). Nor would they raise a finger to secure the fishery on the Eastern coast. "So long as they can sleep securely in this town of Boston, they look no further" (p. 413). From every quarter the same reports came to hand, of forts out of repair, of defences useless, of Colonies at the mercy of France or Spain should war break out (863, 895, 1,089, p. 105), and of Assemblies unwilling or unable to take a share in the task of Imperial defence (262, 964 III.) The necessary business of replenishing the stores of war was delayed by doubts and discussions as to whether the Imperial or Colonial Treasuries should pay the piper (833, 849, 884). Meanwhile, the Assembly of Antigua refused to billet Col. Collingwood's regiment, declaring that "free quarters were an abomination to the King and contrary to the fundamental liberties of the people" (56, 662). Steps were taken to relieve the necessities of the unfortunate garrison of Newfoundland. Some recruits, also, were despatched, who were, however, surprisingly returned (913, etc.).

French Aggression.

We have already referred incidentally to the activity of the French in Canada and their enterprise in dealing with the Indians through their Jesuit missionaries to the prejudice of the English. The struggle between France and England for supremacy in the Western world, which was to be fought out with such deadly intensity throughout the coming century, was, indeed, being carried on strenuously enough in the present year of Peace. Bellomont, in one of the letters in which he was urging the necessity of increasing the forces in New York, allowed himself to indulge in an interesting prophecy. "Secure this province and you secure all the English Colonies, not only against the French, but also against any insurrections or rebellions against the Crown of England, [*if*] any such should happen, which God forbid.

1,000 men regular troops here and a fourth-rate man-of-war at Boston and a fifth-rate here at N. York would secure all the English Plantations on this Continent firm in their allegiance to the Crown as long as the world lasts. And I am of opinion, whenever another [*war*] happens with France, the French might easily be driven out of Canada" (p. 153). Prophecy, as George Eliot observed, is the most gratuitous of all errors. We, with the easier task of prophesying after the event, can perceive that it would have been truer to say that, until England had conquered the French and subdued the Indians for the Colonists, no revolt was possible, and that, when she had done so, then, if she persisted in enforcing the Navigation Laws, revolt was inevitable, though it need not have been successful.

Protests continued to come to hand (15) against the encroachment of the French upon the New England territories, their claim to extend their boundary westward to the Kennebeck River and to sovereignty over the Five Nations, as well as protests against their efforts to enforce (746 VII.) their pretension to the sole right of fishing off the coast of Nova Scotia (247). Preparations were made in London for discussing these questions with the French Commissioners, who were to treat about the boundaries in America (9, 15, 22, p. 39). The English case is clearly stated by the Council of Trade and Plantations in an important document (108), dealing with the whole matter. By no one were the deliberations of the Commissioners appointed by the VIIth Article of the Treaty of Ryswick awaited with more anxious interest than by the Governor and Company of Adventurers trading into Hudson Bay. They had been left, to use their own phrase, "the only mourners by the peace." They had suffered enormous losses during the late war; the injuries they had suffered previously had been made one of the articles of war, but they feared now that they might be "left in worse condition than they were in before" (570).

Hudson Bay

Article VII. of the Treaty compelled the restoration to the King of France and the King of Great Britain respectively of "all countries, islands, forts and colonies," which either had possessed before the declaration of war in 1690.

However satisfactory this may have been in Nova Scotia and Newfoundland, it did not meet the case of the Hudson Bay. For the ownership of this region was claimed by both parties before the war.

What constituted priority of claim was in those days a very difficult question among the nations. Whether mere discovery or temporary occupation could give the right of ownership was much disputed. "To establish a rightful possession of a country," the French Ambassador postulates (370), "it is not sufficient to have discovered and even inhabited the same for some time; but an antient possession, or a continual habitation, or a trade at least carried on are requisite." The French, indeed, claimed to have "made the first discovery of the Bay to the North of Canada, and the first settlements for carrying on the trade there" (370), but they seem to have based their pretensions upon the theory that the Bay was part of Canada (370), and upon the settlement of York Fort, or Fort Bourbon, as they called it, on the River Ste. Therèse (Hayes River) by Radisson and Desgrozelliers in 1682. Of this they had been dispossessed two years later (266), but, at the very moment when the Treaty of Ryswick was concluding, they had recovered York Fort, and had seized one of the Company's ships (570). They now demanded to be kept in possession of the Fort and to have the bottom of the Bay restored to them (370).

It was the Company's deputation to the Hague, which, presumably, had secured the stipulation in Article VII. of the Treaty of Ryswick that "Commissioners should be appointed on both sides to examine and determine the rights and pretensions which either of the said Kings have to the places situated in Hudson Bay; but the possession of those places which were taken by the French during the peace that preceded this war, and were retaken by the English during this war, shall be left to the French, by virtue of the foregoing articles. The capitulation made by the English on Sept. 5, 1695, shall be observed according to the form and tenor; the merchandizes therein mentioned shall be restored; the Governor at the fort taken there shall be set at liberty if it be not already done; the differences which had arisen concerning the execution of the said capitulation and the value of the goods there lost, shall be adjudicated and determined by the said Commissioners; who, immediately after the ratification of the present Treaty, shall be invested with sufficient authority for the setting of the limits and confines of the lands to be restored on either side by virtue of the foregoing article, and likewise for exchanging of lands, as may conduce to the mutual interest and advantage of both Kings."

Now that the meeting of the Commissioners was at hand, the Company began to petition for the upholding of the claim of the Crown to Hudson Bay and of their own proprietary rights therein (136, 137, 1,098). They were ready to prove their claim, provided that the French should be called upon to advance the grounds of theirs. They presented a memorial containing their statement of the case on March 4th (150), and to this the French replied with what they complained was a "frivolous paper" (178). They denied the French claim to be the first discoverers and settlers of Port Nelson (266), and, in reply to the answer of the French Ambassador, demanded to be maintained in possession of all their places in the Bottom of the Bay, and also to be restored to their Factory of York Fort in Port Nelson, with satisfaction for all damages (494, 1,024).

French Claims to Tobago and St. Lucia.

Among the West Indian Islands, the French displayed the same energy in pushing their claims as they did upon the mainland. St. Lucia, that lovely spot which was destined to be deluged in French and English blood throughout the XVIIIth century, lay, like Tobago, under the government of Barbados, and, like Tobago, was the object of English, French and Dutch ambition (366). Both islands were used by the Planters of Barbados as timber-stores from which they drew the supplies of fuel necessary for their sugar-works (970, 1,087 I.). St. Lucia, moreover, had a good port and was too close to Barbados to be allowed to pass into the hands of a stranger. It was, in fact, the key to the Windward Islands (775, 1,087 I.). When, therefore, news came from Governor Grey that H.M.S. *Speedwell* had found a party of Frenchmen busy establishing a settlement there (571), orders were soon despatched to him, in accordance with a Representation of the Council of Trade, directing him to give notice to any foreigners to remove within a given time under threat of forcible expulsion (883, 923, 939 I.).

The rumour that a Company was being formed in England to settle Tobago (367, 973) led to a protest from the French Ambassador, who asserted the claim of France to that island by right of conquest from the Dutch and by virtue of the Peace of Nimeguen (921 I.). To this it could be answered that the French invasion was transitory and merely affected the Dutch, who had no right to transfer the superior title of the Crown of England (973, 1,087 I.). Two rival Companies had, in fact, been formed in England, with the object of resettling Tobago (219, 973). They were encouraged in their scheme by the Agents of the Duke of Courland, who held a grant and tenure from Charles II., which had, however, been declared to be forfeited in 1686 (420).

Two of the documents referred to (973, 1,087 I.) are of some interest as throwing light both upon the early history of the colonisation of Tobago and upon the position of the Caribs at this period. They are a memorial by Capt. Poyntz and the report of the Agents of Barbados. The latter advocated the same policy for Tobago as for St. Lucia. They were to be kept as "pieces of woodland," and not to be colonised at all for the present. No more English Colonies, it was urged, should be permitted in the West Indies, until those already settled should be fully peopled and fortified (420, 1,087 I.). This plan of concentration is a recurrent note in the Colonial policy of the time. The settlement of a Plantation upon Tobago was accordingly forbidden (420, 422). and instructions to that effect were despatched to the Governor of Barbados (551). In the light of these documents it appears scarcely accurate to say, with the historians, that Tobago at this period was "a kind of No-man's land, not annexed by any European power." (1)

I now pass from matters of general concern to deal with the affairs of each Colony.

Lord Bellomont at New York.

The year 1699 saw Lord Bellomont strenuously engaged in his single-handed task of fulfilling the King's instructions and correcting abuses in the Provinces under his charge. He proved himself the "honest and intrepid man" that William had judged him to be when he granted his commission. He was, moreover, an unsparing worker. Throughout his whole sojourn at New York, he says, he was "perpetually in business from five in the morning till ten at night" (p. 364). A full idea of his activity and the difficulties which confronted him as an administrator can only be gathered by a perusal of his racy, voluminous and characteristic correspondence, which forms a considerable part of this volume. The Council of Trade wrote on Jan. 5 commending his clear dispatches, his industry and application in reforming abuses, and his dealings with the Indians. But he received no letter from them for over six months, and this silence from home added to the strain of his position. It was interpreted by the Jacobites and friends of Fletcher as indicating that he had fallen into disfavour with Ministers (116, 381 IV., V., 726). This silence was doubly embarrassing, since Bellomont had pledged his credit to the uttermost with the New York Victuallers on behalf of the neglected and starving garrison (121). But whilst he was busy piling up charges against Fletcher, and accumulating evidence to prove his roguery in granting away Crown Lands in New York to his friends and in mis-appropriating the revenue (116, 175, pp. 138, 406), the Council of Trade, having heard the late Governor's reply to the complaints brought against him (26, 44, 48), made their report to the King. They recommended that further proceedings should be taken against him (167). The charges of encouraging piracy they found proved. In the matter of granting commissions to Tew, Glover and Hoare and taking insufficient securities, they found Fletcher guilty at least of carelessness, and not unnaturally considered that his explanation of his intimacy with the Pirate Tew, namely, that it proceeded from the pleasantness of his conversation and a desire to reclaim him from an ill habit that he had got of swearing (p. 96), called for no comment.

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(1) Lucas. West Indies, p. 261.

The case of Governor Fletcher.

The proof of the charge of conniving at illegal trade lay in a scrutiny of the revenue and accounts of the Province during Fletcher's government. But Bellomont could find none fit to be trusted with that task (384, p. 97), and was obliged to leave for Boston without having accomplished it. In his absence some of these accounts were stolen (p. 217). As to the charge of embezzlement by aid of false muster-rolls, the Council of Trade reserved their judgment, and they did not hold Fletcher responsible for the neglect of the frontier forts. Even apart from the fact that they were undoubtedly the rewards of political support, his large grants of land to individuals could not be regarded by competent Statesmen as otherwise than contrary to His Majesty's service and the needs of the Colony. The creation of a few landed monopolists—Palatinates, as Bellomont calls them (467)—would be fatal to the growth of the needed class of military yeomen upon the frontier (167, p. 404).

Election of Assembly.

It was one of Bellomont's first duties to secure the revocation of these "exorbitant, irregular and unconditional grants" (p. 98). Writs were issued for an Assembly to meet on March 2 (41), but, owing to the Hudson River being blocked with ice, it did not meet till March 21 (317). The elections were fought with extraordinary keenness, and in some places "fighting and broken heads" occurred. Supporters of Fletcher's party and the Jacobites "rode night and day about the country" and strained every nerve to secure a majority and to ruin Bellomont's credit, by adopting as their cry the abolition of Customs (pp. 173, 177). Nichols, whom Bellomont had ejected from the Council, and whose character would hardly bear investigation (317 II., VI., VII.), was the leading spirit of the "angry party." In Queen's County, where three quarters of the electors were said to be downright Jacobites, many, who had pretended to be Quakers in order to avoid taking the necessary oaths, indulged, after the election, beneath the eye of "their padrone, Nichols," in a drunken and disorderly riot (p. 174). The Fletcherites, on the other hand, had reason enough to complain of Bellomont's electioneering methods. He had already revised the Commissions of Peace and Militia, and the Sheriffs' list, "inclining the balance a little to the Leisler side" (pp. 100, 194). And other charges were presently brought against him.

When the Assembly met it was found that sixteen out of the 21 members were Leislerites. Bellomont in a characteristic speech (198) recommended the reconciliation of parties, moderation in debate, and added that "the angry men of New York must expect no more connivance at their ill practices." With Abraham

Gouverneur, who had married Milborne's widow, for Speaker, the Assembly expressed their loyalty and their appreciation of Bellomont (317 VIII.), and, in their Petition and Remonstrance (317 X.), showed themselves to be in tune with the Governor's views. They suggested compensation for the families of Leisler and Milborne, the removal of Fletcher's coat of arms from the Chapel in the Fort, and, for the better administration of Justice, asked for able Judges and competent counsel to be sent from England. The Bill restoring the estate of Jacob Milborne was passed (327). A fixed revenue for six years was voted.

The Assembly, however, would not consent to impose an additional duty in order to pay off the Government debt, and Bellomont despaired of raising the money needed to put the fort and Governor's house in order, "unless Fletcher be made to refund" (p. 192). The spirit of the minority is indicated by the amendment of Captain Whitehead, that the word "happy" be omitted from the phrase "late happy Revolution," which occurred in a Bill. It is noticeable that Fletcher's party called themselves "the English party," and tried to bring discredit upon the Leislerites as being mainly Dutch. "I discourage all I can these distinctions of Dutch and English" says Bellomont (317).

Bellomont's instructions directed him to constitute Courts of Justice in the country. The Chief Justice, Col. Smith, however, and the Attorney General declared that the Crown had no power so to establish them. Bellomont yielded under protest and consented to submit a Bill to the Assembly. The Bill, however, was mangled by the Representatives; and Bellomont found himself obliged to refuse his consent to it (381), not without a suspicion that he had been outwitted and that, upon a failure of justice in the country, the odium would naturally fall upon him (p. 210). The Bill for punishing Privateers and Pirates was passed, but that for the conversion of

Indians and negroes was rejected, the New Yorkers fearing, apparently, that Christianity might spell emancipation of their slaves (p. 176). The problem of the employment of the poor had been exercising the thoughts of the Statesmen in England at this time, and it was recommended in the Governor's Instructions that a bill for the provision of workhouses should be introduced. But the Representatives smiled at it "because, indeed, there is no such thing as a beggar in this town or country, and I believe there is not a richer populace anywhere in the King's dominions" (p. 176)—a fact which, added to other indications of the value of labour, throws light upon the prosperous condition of the Colony.

Revocation of Exorbitant Grants.

At the beginning of May Lord Bellomont introduced a Bill for annulling some of the extravagant grants of land made by Col. Fletcher without reserve of quit-rents. There were over a dozen such grants (pp. 175, 192, 193, 363). But Bellomont only felt himself strong enough in the first instance to break the grants of his more immediate political enemies. The grants of Bayard, Dellius and Capt. Evans, and the lease of the King's Farm to the Church and of the King's Garden to Col. Heathcote were first attacked. Even so, the Council was equally divided upon the Bill. Three of the Council, including the Chief Justice, Col. Smith, were themselves among the leading "Palatinates," and voted, not unnaturally, against it. The Governor gave his casting vote in favour of the Bill, which was passed by the Representatives "with a cheerful concurrence," and the addition of a clause depriving Mr. Dellius of his benefice at Albany (p. 175). Dellius was a Dutch Calvinist minister, a drunken, treacherous, disreputable parson, not above suspicion of treasonable correspondence with the Jesuits, who had used his influence with the Indians to defraud the Mohawks of their land, and was guilty of suborning his own converts (250, 250 xi., 675, p. 433). He now, after endeavouring to make mischief in

New York (250 x.), was supplied with funds by the opposition and left for England, where, it was hoped, he would be able to enlist the sympathy of the Church, since the vacation of the lease of the King's Farm could be made to appear as an attack upon Church property (pp. 100, 138, 175, 361). The vacating of these grants had stirred up the "implacable rage and fear of the grantees" (p. 175), and Bellomont felt himself unable to "abolish the rest of the Palatinates" (467), unless he was reinforced by peremptory orders from home (pp. 175, 362, 405) and the support of a good judge and a smart, active and honest Attorney-General (p. 193) The landed interest was roused. Bellomont despaired of recovering the arrears of quit-rents (384), and suggested that the remainder of this business should be done by an Act of Parliament, by which also the "sole right of all the woods" should be reserved to the King, with a view to the provision of Naval Stores (p. 405).

Bellomont's Enthusiasm,

Lord Bellomont had the defects of his qualities. His actions, like his letters, reveal him as an energetic administrator, but also as by nature a partisan, an impulsive, honest, energetic one, it is true, but still a partisan. His enthusiasm, unwisely displayed in the case of Leisler, and his attacks upon Fletcher and Fletcher's supporters were not calculated to restore order and confidence. They roused Fletcher and Fletcher's supporters to make every effort to wreck him (169), and to supply Bayard with funds at home, "believing that money could do anything at Court" (pp. 70, 219). The Council of Trade thought it necessary to check Lord Bellomont by recommending that no Act of retaliation or retrospective vengeance should be passed (66). But he allowed himself to reverse a judgment given by Col. Fletcher and the Council, a proceeding which, whatever the merits of the case, could not be upheld as desirable policy (p. 176).

and Difficulties.

The opposition with which Bellomont had to deal was vigorous enough, even without unnecessary provocation, and might well have overwhelmed a less single-minded man (pp. 212, 219). He was badly served, and found himself powerless to put the law in force, "for want of honesty in the officers of justice" (740). He had to rely upon indifferent collectors (p. 212), an ignorant and incompetent, if not dishonest Attorney General (p. 403), a Collector who knew more law than the Attorney General and ridiculed him (p. 474); a Clerk of the Assembly who had been convicted of coining (p. 215), and a Secretary who came to blows with the Naval officer in the Governor's House, because he had given information about some East India goods (740 XIX.). "The very soul of Government went upon crutches," for those who practised at the bar, from the Chief Justice downwards, had been soldiers or dancing-masters but were no sort of lawyers (134), and Bellomont elsewhere describes them as a "parcel of vile knaves and Jacobites" (769 XIV.). He can do nothing, he repeats again and again, without a good Judge and an honest, able Attorney General from England, a man-of-war commanded by an honest, stout captain, and pay and recruits for the four companies. Otherwise piracy did and would prevail in the province of New York, and unlawful trade could not be suppressed (740). As it was, he could get no one suspected of piracy, whether Baldridge or another, "prosecuted here, that hath ten pieces of eight" (384). He might hear of "some of Fletcher's pirates" in the town, but they were "too well befriended to be given up to justice" (343). He was equally powerless to prevent the carrying on of a trade with Canada, large quantities of French silks being imported through Albany, and horses and mares being exported thence to supply the French with a valuable asset both for war and trade.

In response to Bellomont's repeated requests, it was decided to appoint a Chief Justice and Attorney General from England, who were to officiate as Judge of the Admiralty and Advocate General, "with particular regard to pirates and illegal traders" both in New York and in the neighbouring Colonies (1,061, 1,062).

The Five Nations.

Bellomont's successful and energetic dealings with the Five Nations of Indians gained the applause of the Assembly (222). He was no longer confronted by the military policy of Frontenac, but by the not less dangerous manœuvres of the new Governor of Canada, De Callières. I have already referred to the French attitude of covert aggression in America. It was of the utmost importance for them to obtain, as for the English to keep the support, or at least the friendship of the Five Nations. Documents in the present volume reveal the play of French endeavours to make a treaty with the representatives of the Iroquois at Quebec, and to influence them against the English by means of their traders and Jesuit missionaries. A letter from Lord Bellomont to the Governor of Canada, explaining the instruction honourably given to him by the English Government to concert measures to oblige the Indians on both sides to live in peace and respect the Treaty of Ryswick (130), was represented to the Indians as a plot to betray them (740 XXXIX., p. 406). And De Callières seized the occasion of announcing his accession to the Government to give a Jesuit missionary an opportunity of tampering with the Five Nations (1,011, 1,011 XXV.—XXVIII.). It was felt to be necessary to take steps to remove the French missionaries from English territory (1,011 XXII.), whilst Bellomont, as we have seen, urged the more active propagation of Protestantism.

In April it was decided to send two Commissioners to Onondage, to rebuke the Sachems for having sent to Canada to treat with the French, in pursuance of the action of the Commissioners for Indian affairs at Albany (245, 250 VII., VIII.). A conference was arranged to meet at Albany. The detention of Indian prisoners by the French was at the root of their uneasiness (198, 740 XXVII.). It was agreed that they should be allowed to send to Canada to claim them, and they repeated their request for a fort to be built in the Onondage country (Vermont), and for instruction in the Christian Religion (740 XXVII., XXXII., XXXIII., XXXVII.). In July Bellomont was able to report that the French Governor had set the prisoners free and that the Indians were in a good humour (675), but in November he had to report further signs of unrest, and declared that unless their demands for a fort and the teaching of Christian Religion amongst them were speedily complied with, the friendship of the Five Nations would irrevocably be lost (1,011). It was decided to encourage them to re-settle Schaakhook (622, 747). I have already referred to the project for opening up a trade and alliance with new nations of Western Indians, the Shateras, Twichtwichts and Dowaganhas, who lay beyond Maryland and Carolina (p. 136), a policy strongly advocated by Robert Livingstone, the capable Secretary for Indian Affairs (250 IX.).

On May 16th Bellomont prorogued the Assembly of New York and left for Boston (467). Here he learned that the English Minister at New York, whilst omitting to pray for the Governor, had offered supplication for the return of Dellius to his flock. Seeing that Dellius was deprived of his benefices by an Act of Assembly, Bellomont considered this such an affront to Government that he determined not to return to New York till Vesey, the offending minister, should be punished (679, 771 A., p. 404).

Massachusetts Bay.

In the history of Massachusetts the documents in the present volume reveal little of importance beyond the matters to which I have already referred. In the light of the previous history of the Colony it may be considered a remarkable sign of a change of spirit that the arrival of an Anglican Governor, appointed by the King, was long preceded by a hearty invitation from the Representatives (116 VII.). The settlers meanwhile were applying themselves to the development of their Plantations in the enjoyment of the Peace and respite from the attacks of the Indians. But the Lieutenant Governor, Stoughton, again expressed their nervousness as to the French encroachments upon their territory and fisheries (247). But, now that there was peace, the Colonists could not be persuaded to take any steps in their own defence (746). On the first of June Bellomont addressed the Assembly, and recommended, amongst other legislation (486, 746), an Act reviving the Courts of Justice. The former Act had been vetoed because it expressly contravened the Acts of Trade (73), and the Council of Trade, in the letter in which they pointed this out, added a warning against "an undue practice now too common in the Assemblies of the Massachusetts Bay," as of other Colonies, of making temporary laws and renewing them from time to time, "whereas they ought to be made indefinite, if they are good, or, if otherwise, not made at all" (p. 39). It is obvious that the expedient of passing temporary laws and re-enacting them was, or might be, a device for avoiding the Royal Veto. Directions were therefore given to Governors that all laws should be made indefinite, except those intended for a temporary end, and that they should not re-enact any law, in any case, more than once (p. 39). So far as the struggle over the Courts of Law is concerned, the Assembly gave way. (746. *See preface to preceding Volume of this Calendar.*) An Act for settling trade with the Eastern Indians was also passed (93, 746, 1,004), whilst the matter of establishing a Post Office was left over (p. 413). Bellomont, however, had a sharp tussle with the Council, not only over the passing of a bill to punish pirates with death, in which, as we have seen, he was defeated (p. 413), but also over the right of the Governor to nominate officers, in which he held his own (p. 415). Though personally popular with the Bostonians, he could not induce the Representatives to vote him a permanent salary. He did not appreciate either the amount of the sum they voted for his annual "present," nor the precariousness of his salary. But it was a cardinal point in the policy of the Colonists to keep control of the purse-strings. It was a point upon which Bellomont did not live long enough to fight them.

Harvard College.

Though his fervent Protestantism and the genialty of his Irish nature rendered him acceptable to the Colonists, he could not persuade them to forget the Presbyterian tradition of New England so far as to omit a clause introducing a vague religious test for the President and Fellows of Harvard College. The College had been left without a constitution by the abrogation of the Charter of the Colony. A previous Act for incorporating it had been repealed because the right of visitation had not been reserved to the Crown (73). Bellomont felt himself obliged to refuse his consent to a Bill already twice rejected, which contained a clause excluding members of the Church of England from the Government of the College. He proposed an application to the King for a Charter to incorporate the College, but what he terms "the sour part of the Council" would not hear of it (657, 746, 746 VIII.). Meantime, in the absence of any settlement of the question, it was decided that the Government of the College should be carried on by the Gentlemen of the late Corporation (678).

There are indications of some activity in building at Boston, and a new bridge at Cambridge was put in hand.

New Hampshire.

Lord Bellomont left the Massachusetts Bay to visit New Hampshire on July 27. He found that Colony in an extraordinary state of unrest. The Councillors were squabbling over the right of Usher, the ex-Lieutenant-Governor, to sit in Council (34). Partridge, the Lieutenant-Governor, was turning his training as a shipwright to account by engaging in the trade of exporting timber to Portugal, a trade which justly roused Bellomont's ire, but which on the part of a public officer was not contrary to law (986). Col. Allen himself, the Claimant Proprietor, violent, hectoring, needy and unscrupulous, with the tempting vision of a vast rent-roll before his eyes, was endeavouring to promote his claims to the land by packing the Commissions with officers of his own choosing, supporters of Usher (116, 116 viii., 769). He was charged, too, with seizing a ship, the *Hopewell*, and embezzling the cargo (890 xx., 894 xvii.). It may well be believed that, as Allen remarks in his letter to the Council of Trade praying to be confirmed in his claim, the people "regarded him as a common enemy" (831). He suggested that nothing but military force would reduce them to obedience (34). At the beginning of January, in reply to the complaint of the Assembly that the Governor was substituting ill-qualified for well-qualified officers and to their protest against the admission of Usher to the Council, Allen had dissolved them "as finding their aim was to strike at the King's honour and prerogative" (19). On July 31 Bellomont met the Council and summoned the Assembly for Aug. 7 (689).

In response to a petition of the Council, he immediately suspended Allen's tools, the Chief Justice, High Sheriff and Justices (689, 769), and presently appointed Waldron Secretary in place of Allen's nominee, Sheafe, who was represented as indigent and dishonest (715). The various charges and replies of Usher, Partridge, Allen and Waldron were heard in Council and Assembly. As to Usher, Bellomont's judgment of the Bostonian bookseller turned administrator is probably sound. His complaints proceeded "more from his unhappy, choleric temper than any occasion given" by Partridge, etc. "I believe he meant well, but might have managed the people of New Hampshire easily enough, had his carriage been more moderate" (p. 426). Bellomont pointed out the intolerable position created by Col. Allen's vast and undecided claim to the lands (p. 427), and urged that the forests of New Hampshire should be reserved as nurseries of timber for the King's navy (p. 427, etc.).

Nothing could be more unsatisfactory than the position of New Hampshire as a small, independent community with a frontier exposed to the raids of the Indians. Bellomont reassured the Assembly by promising aid in the event of hostilities. His plan was to bring down a party of Mohawks to subdue the Eastern Indians, and he urged the home authorities to oblige the people of Massachusetts Bay to contribute to the charge of an expedition, in which they would be as much concerned as the people of New Hampshire. Incidentally he laughs at the squeamishness of the Court at Boston, which refused his offer of a band of New York Indians, to fall upon the Eastern, scrupling to "use the devil to destroy the devil," although the war with the Eastern Indians, they admitted, had cost them £100,000 and the loss of 1,000 families (698, 769).

Bellomont's report upon the government of Rhode Island.

In September Bellomont repaired to Rhode Island and there, according to his instructions (163), enquired into the "disorders and irregularities" of the Government of that astonishing Community of "Quakers and Demi-Quakers." It does credit to his diplomacy and the charm of his personality that, although he expected "a million of curses" for his pains (787), he seems to have secured a considerable measure of popularity during his stay. That stay lasted no more than a week, but in that time he collected, as he says, "matter enough to prove that Government the most irregular and illegal in their administration that ever any English Government was" (929). He suggested that the Charter had been surrendered to King James and re-assumed without authority, but that "the record of it is surreptitiously done away with—a common practice with that Government" (975). Bellomont's report upon the affairs of the Colony will be found under 1,002. It is evident that many of the irregularities arose from the Government being composed of ignorant, illiterate and unbusiness-like men, with no adequate sense of responsibility and no training in the necessary routine of official duties (699, 709, 929, 1,002). In many details of administration they had acted contrary to their Charter and the provisions of their Constitution. But many irregularities also arose from deliberate disaffection to the English Government, which was held to be "little better than slavery" (1,002); as well as from notorious and deliberate connivance at piracy and illegal trade (99, 1,002). The Gortonian Deputy-Governor granted letters of marque, which were likely to be abused and were abused, contrary, as it was said, to the will of the Governor (709); the inhabitants of the Island plunged whole-heartedly into profitable harbouring of pirates and dealings in pirated goods. Whilst Bellomont was investigating the behaviour of the Government of Rhode Island, a letter from the Council of Trade was on its way, sternly calling them to account and warning them to reform the abuses complained of (709).

Dispute about the Narraganset Country.

Bellomont availed himself of the opportunity of his sojourn at Rhode Island to endeavour to bring the Governments of Connecticut and Rhode Island to an amicable settlement of their disputed claims to the Narraganset Country, and, failing in that, he instructed both parties to send Agents to England. The documents connected with the dispute will be found under 975 and 1,002. With regard to Connecticut, Governor Winthrop was able to report the capture of some pirates (511) and that the "affairs of this wilderness" (227) were all well, and that a general contentment obtained under His Majesty's continued grace and favour (529). Some complaints against irregularities in the Government and obstruction of justice, voiced by the Hallams and Edward Palms (119, 120, 376), led to a reprimand, upholding the right of appeal (161).

Connecticut.

New Jersey.

The claim of the Proprietors of New Jersey to a free port at Perth-Amboy had been referred, as was seen in the last volume of this Calendar, to the consideration of the Lords of Trade. The seizure of the ship *Hester* at Perth-Amboy, by armed men under Bellomont's orders, when she was on the point of being despatched upon a voyage without having cleared at the New York Custom House, brought matters to a head (116, 116 IV., V., 164 I.). The duel which ensued can be followed through a series of documents indicated in the Index. The key to them is furnished by the letter of the Lords of Trade to Lord Bellomont (726). The Proprietors represented that, if deprived of "a common benefit of a port, enjoyed by all other Colonies, the Colony would be ruined" (164 I.), and they offered to raise the same duties in this port as might be laid at New York and to devote one half of them towards the maintenance of the frontier of New York (216). Otherwise, they demanded the trial of their claim at Westminster Hall (116, 164 I.). The grounds of that claim are set forth in 205, 229, 540. They partly rested upon the appointment of a Collector at Perth-Amboy by the Commissioners of Customs. His position had first to be ascertained (117 I.). The Council of Trade then seized upon the proposal of the Proprietors and recommended a trial at Bar, not only of the point at issue, but also of their title to the Government, "a matter in which they are very tender" (272, 726). At this the Proprietors took alarm (279, 595), and explained that their proposal for a trial was only intended as a last resort to justify themselves against the clamours of the inhabitants. They endeavoured to strike a bargain over the surrender of their Government, which was to be annexed to that of New York upon terms (593) which were critically considered by the Lords of Trade (1,006). Meanwhile, by trying to obtain a recommendation for the approval of Andrew Hamilton, whom they had appointed Governor of West New Jersey, they tried to ensnare the Board into an implied recognition of their title (593). The Board, however, was not to be entrapped (699, 726). Whilst these manœuvres were in operation at home, the state of the Colony itself was almost anarchical (885 II.), the authority of Governor Basse being so little respected that he dared not summon an Assembly (p. 69).

Pennsylvania. Of the Middle Colonies, the letters of Col. Quarry reveal in Pennsylvania extraordinary scenes "of barbarous disloyalty and horrid impudence" (138, etc.), which indicate a general consensus of dislike for the Courts of Admiralty, on the part of the Friends, from the Lieutenant Governor and Attorney General downwards (450, 694). In Philadelphia the principle of brotherly love seems to have been extended principally towards pirates. Even those who had been arrested were allowed out on bail and walked "the street with their pockets full of gold." They were the constant companions of the chief in the Government, freely marketed their prohibited goods and threatened the lives of the King's Collectors, who, in a population of "Non-jurors, Quakers, and ill-affected Scotchmen," despaired of bringing any offenders to book (877, 877 I.). Whatever we may think of Edward Randolph as a man and a witness, we must think less of the Quaker Government of Pennsylvania (495). In order to frustrate the Courts of Admiralty and to indulge in illegal trade and profitable traffic with pirates, the Assembly passed an Act "called in derision An Act for preventing frauds and regulating abuses in Pennsylvania" (450 I.-IV.). The Act was repealed; and for giving his consent to this bill, as well as for conniving at illegal trade and receiving presents from pirates, and protecting them, the Lieutenant-Governor, Col. William Markham, was removed in pursuance of a strong Representation from the Council of Trade (694, 750, 751). Instructions were also given to William Penn, in accordance with the same Representation, that, as he was about to visit Pennsylvania, he should take care to enforce the Acts of Trade and to punish those who had opposed the Court of Admiralty, as well as to secure the provision and execution of laws for preventing and punishing piracies (p. 383), and to report upon the state of the Province. Hitherto the practice of illegal trade had been rather encouraged by Penn's communications and the reputation of his great influence at Court (426), whilst the Jamaica Act to prevent piracy and privateering had, when introduced, been rendered futile by amendment (495). The cause of piracy was furthered by the absence of any military force to check it in Pennsylvania (550), and, though the inhabitants of Lewis and Newcastle might feel the awkwardness of having no fort, arms or militia, when pirates plundered and threatened their towns, the Quaker Government refused their petition that measures should be taken to protect their lives and property (877 I.). Directions were therefore now given to William Penn to attend to this want of a settled militia (706). The Lords of Trade also recommended this opportunity of settling the boundaries of Maryland and Pennsylvania, especially as Governor Blakiston proposed to attend the conference of Governors at Philadelphia.

Maryland.

With the opening of the year Nathaniel Blakiston took up the Government of Maryland (1). Governor Nicholson was able to hand over a country, which he had found "in some distraction and in debt" (1), restored, in spite of the disaffection of "so many Papists, Quakers, Jacks (*Jacobites*) and necessitous people," to profound peace and quietness, and financially in a flourishing condition (77). The new Governor addressed the Assembly at the end of June, declaring, in a conciliatory speech, that the interests of the King and of Maryland were identical. After giving assurances of loyalty, the Court addressed itself to the business of the Session, which was, briefly, the revision of the Laws, and the provision, by a system of Rangers, for the security of the frontiers, in face of the unrest among the Indians. Steps were also taken to procure the peaceful settlement of a party of Pamunkey Indians (567, 597, 630, 653, 841). The building of a church at Annapolis and the question of the Governor's residence there also gave occasion for discussion, the Delegates refusing to provide better accommodation for the Governor on the plea of poverty and the general scarcity of provisions (674). For them the most exciting incident of the year was provided on July 13. In their Journal, amidst the dull record of business we suddenly come upon this eloquent passage:—"It pleasing Almighty God that a great clap of thunder and lightning fell upon the State house, the House of Delegates sitting therein, which splintered the flagstaff, strook down the vane, burnt the flag, and set the roof of the House in a flame of fire, striking through the upper rooms, shattering the doorpost and window frames, strook down and grievously wounded several of the Delegates, and more particularly Col. Hans Hanson, Lieut.-Col. Thomas Hicks, and Mr. George Ashman, and, passing through the upper room, where the Committee of Laws was sitting, strook dead Mr. James Cranford, one of the Delegates of Calvert County, to the great astonishment of all persons. But it so pleased God that by the active care and personal presence of H.E. the Governor the fire was quickly quenched, a shower of rain happening immediately thereupon, and the records preserved as also the house with little or no considerable damage" (637). The Governor's implied responsibility for the rain reminds one of the attribute of Rain-maker, necessary to Eastern Potentates. Meantime the Act for the service of Almighty God, etc., passed in 1696, was repealed, upon the petition of the Quakers, who found that its provisions "deprived them of the quiet liberty of their consciences" (868, 1,009, 1,018).

Virginia. Governor Nicholson found the finances of Virginia less flourishing than those of the country he had left, and set himself to put the administration of his province in order, in accordance with his large experience (77, 579). The friction between the Council and Assembly did not entirely disappear, but there was a deal of legislation of a not very important kind. So far as the defence of the country was concerned, the Burgesses refused to arm their servants, lest they should turn upon their masters (473), or to repair the fortifications, because naval force alone could protect their land. The attitude of the Piscattaway Indians, whose Emperor was guilty of harbouring the murderer, Squire Tom, and the complaints of the Queen of Pamunkey caused some disquietude. But perhaps the most important event of the year was the passing of a Bill, and the laying out of land at Middle Plantation, for the building of the Capitol. It was decreed that the seat of Government should be fixed at the City of Williamsburgh from May in the ensuing year (891). The settlement of the boundaries between Virginia and North Carolina still hung fire, the Commissioners who were sent to confer with the Virginians lacking proper credentials (127, 334). The few papers connected with Carolina contain little of importance. Edward Randolph's account of that Colony and his description of its needs, development and possibilities will be found in Nos. 183, 202.

Carolina.

Florida.

Dr. Daniel Cox brought forward his claim to the "Provinces of Carolana, *alias* Florida," maintaining that the grant of Charles I. to Sir Robt. Heath was vested in him. The document in which he states the English right to the Province is of considerable interest, and clearly indicates the rival activities of the French and English upon the Mississipi (967). Dr. Cox's claim was found good by the Attorney General (1,051). It was the age of Company Promoters. Dr. Cox proposed (953 I.) to surrender his Government and to float a Florida Company to develope his Proprietary, receiving in return a necessary additional grant of territory upon the sea-coast. The Lords of Trade viewed his vague but enthusiastic suggestions with luke-warm approval (1,082). They did not recommend the French Protestant Refugees, who were anxious to emigrate, to go to Dr. Cox's Proprietary (1,014), but to Virginia. They scented the "pernicious trade of stock-jobbing," feared offence to Spain and deprecated the danger of multiplying Plantations.

Barbados.

Passing from the mainland, we find that Barbados enjoyed a quiet but not too prosperous year. The island was sickly (830), the seasons out of joint, the crops, in common with those of all the Sugar Islands, were poor (769 XIV., p. 488). Under Governor Grey, whose efforts to enforce the Acts of Trade received particular commendation from home (608), piracy and illegal trade would have obtained short shrift had his repeated requests for naval support, to which I have already referred, been complied with. The new Assembly, which met in March, granted the Governor accommodation in Bridgetown (880), but refused to provide the sums necessary for the building and repair of much needed fortifications, pleading poverty which arose from the exhaustion of war, the pressure of sugar duties and the oppressive monopoly of the Royal African Company (954 II., III.). Complaints were also made as to the behaviour of commanders of men-of-war (954 I.), and, as the result, directions were given that they should not impress debtors or indented servants (946, 968). An elaborate and suggestive account of the state of the Island in 1669 will be found among the *Addenda* (1,113).

Jamaica.

Jamaica, like Barbados and the Indies generally, suffered severely from sickness at this period (85, 887). And as from Barbados, so from Jamaica came complaints about irregular impressing by commanders of the men-of-war (739, 934 I., 946 I., 990). Owing to these causes, to the earthquake and the French invasion, the island was computed to have lost half its population (69). Over this matter of impressing seamen and a disputed point of authority (890 XV., p. 489), there was considerable friction between Rear-Admiral Benbow and the Lieutenant-Governor. Sir William Beeston, indeed, applied to be relieved (882, 934 I.). But promotion to the full honour and salary of Governor (901), in spite of the vicious attacks of the late Chief Justice (305, 443), combined with conciliatory representations from the Lords of Trade (946 I.) led him to reconsider his application. At the beginning of the year the *Maidstone* returned from Petit Guavas (45), bringing an evasive reply from M. Ducasse in response to his demands for satisfaction for Kelly's piracies. The Governor found himself at loggerheads with the Assembly, who, in spite of the pressure he put upon them by refusing to re-enact their laws, declined to give up control of the purse-strings by making the King's revenue indefinite (548). Fort Charles was enlarged and rebuilt, and "rendered very offensive" (p. 298). A description of the state of the defences of Jamaica will be found under (895). Neither the French nor the Spaniards proved comfortable neighbours to the English West Indian Settlements. Much friction was caused in Jamaica by the Spaniards harbouring runaway negroes (84, 85), whilst from the Leeward Islands came complaints as to their treatment of English ships and subjects (74, 149, 211).

Leeward Islands.

The French, on the other hand, to whom part of St. Kitts had been handed over in accordance with the Treaty of Ryswick, claimed damages for houses and property occupied in the English part before the war and destroyed, according to their account, after news of the conclusion of the Peace had been received (24 I., 74, 74 V., 264). The English scouted the claim.

The Government of the Leeward Islands devolved upon the President and Council of Nevis, on the death of Governor Codrington (1,080). His son, Christopher Codrington, the future benefactor of All Souls', Oxford, and founder of Codrington College, Barbados, was now appointed to succeed him, but owing to his failure to extract from the Treasury the money due to his father's estate (930), he refused to sail from England.

His Instructions were carefully considered, and in his case, as in that of all the other Governors, it was decided to introduce an alteration in the clause which implied a power of executing martial law upon soldiers in pay even in time of peace (410). The Assemblies of Nevis and Antigua, meanwhile, showed strong disinclination to billet the soldiers quartered amongst them (33, 46, 56, 662), urging that "free quarters were an abomination to the King and contrary to the fundamental liberties of the people." From Antigua came a document to the Lords of Trade formulating the grievances of that Island (297).

Bermuda.

Bermuda had long suffered from a succession of bad Governors. "Those small Governors," Sir William Beeston writes contemptuously, "over a few barefooted people, that get into those places to avoid their debts, take on them the titles of Excellency and Captain General, which to support they squeeze and prejudice His Majesty's subjects and authority" (547). Edward Randolph's account of the former Governors (326) is sufficiently vivid; his criticisms of the new one led to his being thrown into gaol, "a nasty jakes," by Governor Day, into whose hands had fallen some blotted drafts of the Surveyor General's report to the Council of Trade (392, 416). Randolph's account of the Governor is borne out by other evidence in abundance (816, etc.). He was a rogue, and a violent, rough-tongued rogue, "more fit for a Pasha than a Governor" (326, 392, 547), who apparently thought that he could rely upon distance and his father's influence at Court to lend enchantment to the view taken at home of his high-handed ways. He proceeded to bully and blackmail the inhabitants and the traders who approached his Government, whilst exhibiting a supreme indifference to law and legal procedure (235, 484, 547, 816). He was, indeed, able to produce an affidavit to show that he was "well-beloved" (1,030 I.), but the art of affidavit-making is not a modern invention. The seizure of a

Jamaica vessel, which had just touched on one of his rocks, the imprisonment of Mr. Randolph and others, and his device of burking depositions, filled the cup of his iniquity to overflowing (668). By an order of the Lords Justices in Council he was commanded to appoint a Commission of Enquiry to take depositions as to his alleged irregularities, and himself to forward an account of his behaviour in writing (753).

The Bahamas.

With reference to the Bahamas, evidence comes thick as to the rascality of the late Governor, Nicholas Trott, his arbitrary and illegal procedure in the Courts, his aiding and abetting of the pirate Every (94, 385), and his extortion in the case of a Dutch ship (445, 575). Meanwhile, Nicholas Webb, his successor at New Providence, after being involved in some doubtful transactions concerning the brigantine *Bahama Merchant* (82, 464), quitted his Government suddenly (505, 810), but only to be robbed of his booty in Pennsylvania, as we have already seen.

Newfoundland.

Numerous documents, both in the text and the *Addenda*, indicate the developement of the Newfoundland fisheries, the steps taken to supply the unfortunate garrison at St John's (217, 793 etc.), as well as the parallel enterprise of the French.

A few points of minor importance remain to be noticed. Oral testimony, when reduced to writing, leads to such popular perversions as the "Buoy and Oar" for the Boy in the Nore, and *Tooth and Egg* for Tutenag. On the principle that Billy Ruffian = Bellerophon among sailormen, I was tempted to identify the *Cole and Bean* galley with *Columbine*, but conclude that that vessel was called after the names of her owners. *Deodard*, the term used in Nevis, according to Christopher Codrington, for "a retreat in the mountains for women, children, old men and negroes" (p. 463) is a word I do not find in the dictionaries. It may possibly be connected with the

Spanish word for debtor—*deuda* (?). "Bubbening along the coast" (866) would seem to be a Scotch, picturesque, onomatopœic word for "beating" or coasting along the shore, or may be mis-written. An Indian interpreter was rewarded for his services by the gift of a "match-coat and a pair of pumps" (243). Matchcoat is derived from an American-Indian word. (Oxford English Dict.). Pump, which occurs in Shakespere, Skeat derives from the French *pompe*. But Pump was the name of a Westminster shoe-maker, and perhaps this is the origin of the word which denotes a particular kind of shoe or boot. I have already referred to the unwillingness of the colonists to encourage the conversion of their negroes to Christianity. We have several indications of their value—a negro woman in Montserrat was valued at 3,000lbs. of sugar (696)—and of their treatment. A negro convicted of theft to the value of 12*d*. was hanged and quartered (524), and a runaway was condemned to be broken in pieces and afterwards burnt (437). A slight tendency towards humanity is observable in the decision of the Delegates of Maryland to omit a clause in a Bill for cutting off the nose or ears of negroes (674). Fire again threatened the documents of the office of the Council of Trade, when a chimney in the Cock-pit caught fire. Means for making and preserving duplicates of the books and papers, which are here transcribed, were ordered to be considered. Meantime a competent number of sacks for rescuing them in an emergency was ordered. The need of a Public Record Office was already being felt by those in charge of Colonial affairs (1,083).

CECIL HEADLAM.

COLONIAL PAPERS.

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1699. Jan. 1. Annapolis. **1.** Minutes of Council of Maryland. Order that, as several vestries have refused to levy the poor-rate ordered (Nov. 22), notice be given them that, if any of the poor of their parishes suffer for want of such assistance, they must expect to be prosecuted for contempt. Order to publish Mr. Robert Yard's letter and the order about French soldiers. Order for the £60 allowed his Excellency for the Council Chamber to be paid out of the 3*d.* for arms. He will allow the balance to lie in Col. Blakiston's hands. Mr. George Tubman's appeal for mercy considered and as "he has lived very private and pensive and seems to be heartily sorry for his error" (*Cal.* 1698, Oct. 28), his suspension remitted. Letter from Lord Bellomont, Nov. 12, read. Order to send home accounts of the 3*d.* for arms.

Jan. 2. Letter from John Povey, Oct. 27, relating to Navigation Bonds read and the Attorney-General ordered to keep the judgment upon such bonds in force. To the complaint in the same letter that he had not sent home the public accounts, George Muschamp replied that he had received no particular orders therefor, but had transmitted the account until March last and would now transmit the rest as soon as possible. He and George Plater made oath to their several accounts. Collectors and Naval Officers who had not done so ordered to make oath to the nearest Councillor as to their accounts and lists of shipping.

Col. Blakiston produced his commission. Governor Francis Nicholson informed him that he had appointed Thomas Tench, a member of Council, Judge Advocate and Registrar, in the provinces of Maryland, Pennsylvania and West Jersey, and Col. Robert Quay to be Judge of the Court of Admiralty in Pennsylvania and West Jersey. He then delivered the Great Seal of the Province to His Excellency and acquainted him that he did appoint Col. Jowles to keep it. Reviewing the period of his government, he said that he had found the country in some distraction and in debt, which difficulties by the aid of the gentlemen of the Council he had waded through, as some others, such as suspending Attorneys and denying the oath of secrecy to the Clerk of the House of Delegates. He recommended all those persons whom he left in commission and

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warned his Excellency of the late commotions and disturbances set on foot by Clark, Slye, Cood and Mason. He delivered to him various letters, the balance of the account of the revenue raised for arms, and the communion plate given by his Majesty for the church at Annapolis (2 large flagons, a cup, two patens, and a receiver). Col. Blakiston took the oaths and subscribed the Test and Association. William Bladen was sworn Clerk of the Council. Several gentlemen present, Capt. Richard Hill, William Dent, Attorney-General, Samuel Young, one of the Masters in Chancery, Christopher Gregory, Peter Jennings, George Plater, Edward Balson, Richard Beard, High Sheriff, and Mr. Orlando Greenslade, took the oaths appointed. [*Board of Trade.* Maryland, 12. *pp.* 664-673.]

Jan. 2. Custom House, London.

2. Secretary of the Customs to William Popple. Having communicated your letter of the 23rd past to the Commissioners touching the marginal note on the 13th Article of Instructions from the King to the Governors of the Plantations, I am commanded to acquaint you that, as that Article was intended for the Governors of his Majesty's Plantations in general, it was not so properly worded for the Governors of Proprieties and therefore thought fit to be omitted in the Instructions to them. But if it were so worded as to restrain those Governors themselves from making any alienations of their Proprieties contrary to the Act of Parliament as well as to require them to make their observations upon others, the Commissioners think it may be a proper instruction for them. The 15th Article relates only to the officers of the Court of Judicature in his Majesty's Plantations, the Commissioners therefore see no cause to omit it in the Instructions to the Governors of Proprieties.

As to your reference to a trade intended to be settled in the Island of Tobago, I can yet find no footsteps of any shipping or trade to that place, nor anything that may reasonably give suspicion of any such trade carrying on at present from hence, except three ships, which lately cleared from the Customs house bound to the Cape de Verd Island, whose names are here enclosed. But the Bench of Officers, being now made acquainted with the apprehensions the Lords Commissioners of the Council of Trade have of an intended settlement to be made in that island, will upon the clearing of all ships outward upon oath administer proper interrogatories to discover anything of that kind. *Signed,* Jno. Sansom. 2 *pp.* *Endorsed,* Recd. Read Jan. 3, 169$\frac{8}{9}$. *Enclosed,*

2. I. Ships cleared in December last for Cape de Verd:—John Maxwell, the *John and James*; Samuel White, the *Johnson*; Thomas Guinn, the *Ann and Sarah.* $\frac{1}{4}$ *p.* [*Board of Trade.* Barbados, 7. *Nos.* 74, 74 (I); *and* 44. *pp.* 236-238; *and* (*first half of letter only*), Plantations General 35. *p.* 2.]

3. Memorandum of above letter. $\frac{1}{2}$ *p.* [*Board of Trade.* Plantations General 5. *No.* 3.]

Jan. 2. Newcastle.

4. Minutes of Council of New Hampshire. Petition of James Mountaes that he may not be obliged to trial at special Court appointed, the notice being too short, granted. [*Board of Trade.* New England, 49. *p.* 445.]

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Jan. 2. Whitehall. **5.** Journal of Council of Trade and Plantations. Mr. Kick presented an account of English and Irish wool (981 bales) shipped out of Scotland and imported at Rotterdam in four months from July last.

Mr. Sansom's reply to a letter of Dec. 23 relating to Tobago read. Resolved to let the 13th article in the Instructions referred to stand (*Cal.* 1698, *No.* 1075) and omit Article 15 in the draft prepared for the Proprieties.

Additions to the letter to Lord Bellomont ordered.

Jan. 3. Orders of Council for repeal of Acts of Massachusetts Colony read and ordered to be signified to Mr. Stoughton.

Mr. Secretary Vernon's answer to letter of Dec. 29 and 30 about interruption to our fishery caused by the French of Accadie and about Col. Fletcher read. [*Board of Trade.* Journal, 11. *pp.* 325-327; *and* 96. *Nos.* 1 *and* 2; *and* Trade Papers, 14. *pp.* 141-144.]

Jan. 3. Annapolis. **6.** Minutes of Council of Maryland. The Council gave their opinion that it would not be for His Majesty's service to dissolve the present Assembly and that it could not be convened before June 28, the day until which it stands prorogued. His Excellency read the opinion of the Attorney-General that it was within the Governor's power on great or emergent occasions to summon the Assembly sooner than the precedent adjournment. The Court of Chancery, the Court of Appeal and the Commissary's Court standing adjourned till Feb. 23, and it being feared that the suitors would be impeded by the hard weather from attending, they were further adjourned till March 15. His Excellency regretted that the Councillors lived so far from the seat of Government and, promising never to call them together needlessly, required them to attend when summoned. Bills for duty on tobacco on board ships in the Province before Dec. 10 ordered to be taken payable to H. E. Nathaniel Blakiston. An exact account of what tobacco they had on board before Dec. 10 ordered to be rendered by ships when clearing. [*Board of Trade.* Maryland, 13. *pp.* 673-677.]

Jan. 3. **7.** Memorandum of letter from James Vernon to Council of Trade and Plantations, in answer to letter of Dec. 30th, enclosing heads of complaints (*See Cal.* 1698, 1,007) against Col. Fletcher, and requiring them to proceed in the matter. *Endorsed,* Recd. Read Jan. 3, 1698-9. [*Board of Trade.* New York, 8A. *No.* 1; *and* 53. *p.* 212.]

Jan. 3. **8.** Deposition of Capt. John Evans, late Commander of H.M. frigate *Richmond.* On May 7, 1698, I heard an affidavit read before the Governor and Council of New York wherein Edward Taylor stated that he and company had been roving in the Red Sea and taken much spoil from the subjects of the Mogul and returning with the ship *Jacob* had bargained with William Nicoll and Governor Fletcher to obtain protection for money. Afterwards he plainly owned to me that he had never changed a word with Col. Fletcher in his life, but what he had sworn was extorted from him by fear, threats and promises of favour. *Copy. Endorsed,* Recd. Read Jan. 5, 169$\frac{8}{9}$. 1 *p.* [*Board of Trade.* New York, 8A. *No.* 2; *and* 53. *p.* 212.]

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Jan. 3.
Whitehall.

9. James Vernon to the Council of Trade and Plantations. I have laid before His Majesty your letters of 29th and 30th past (*Cal.* 1698, *Nos.* 1,082 *and* 922). As to the first, relating to the interruption of the fishery about Nova Scotia, His Majesty would have you consider the American Treaty mentioned in the said papers, whether the pretentions of the French in this particular are thereby justified, or what else you observe in that treaty that is liable to be laid hold of to the disadvantage of His Majesty's subjects. As to what relates to Col. Fletcher, His Majesty would have you proceed in that enquiry in order to your making your report upon the whole matter. *Signed,* Ja. Vernon. *Endorsed,* Recd. Read, Jan. 3, 169$\frac{8}{9}$. [*Board of Trade.* New England, 9. *No.* 49; *and* 37. *p.* 88.]

Jan. 4.
Whitehall.

10. Journal of Council of Trade and Plantations. Letter from Mr. Nelson, Boston, Nov. 4, read.

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Col. Fletcher attended as desired, and presented a deposition by Captain Evance to invalidate that by Ed. Taylor.

Sir Henry Ashurst presented a copy of the submission of the Eastern Indians, 1693, and promised to bring an account of the boundaries between Accadie and New England.

Letter to Lord Bellomont signed.

Representation signed to present to His Majesty copies of instructions prepared by the Commissioners of Customs to the Governors of Barbadoes, Jamaica, and Proprietors of Rhode Island, Connecticut, Pennsylvania, Carolina and Bahama Islands.

Instructions for the Jersies ordered to be suspended till some resolution be taken about Perth Amboy, and for Leeward Islands till a Governor be appointed.

Memorial from the contractors with the Czar of Muscovy for the importation of tobacco into his dominions to obtain an easy admission into the Russia Company read. [*Board of Trade.* Journal, 11. *pp.* 327-329; *and* 96. *Nos.* 3, 4, 5; *and* Plantations General, 35. *p.* 3; *and* Barbados, 44. *p.* 238.]

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11. Copy of the Treaty of Peace concluded by Sir Wm. Phipps, Governor of the Massachusetts Bay, and the Eastern Indians, Aug. 11, 1693 (*vide Cal.* 1693, 545). The Indians submit to the Crown of England; undertake to return all English captives without ransom; in case of disagreements with English subjects, agree to abide by the laws of England; and give hostages. *Signed* by many witnesses, interpreters, and Indians whose marks are reproduced. *Endorsed,* Presented to the Board by Sir Hen. Ashurst, Jan. 5th, 169$\frac{8}{9}$. 3 *pp.* [*Board of Trade.* New England, 9. *No.* 50; *and* 37. *pp.* 99-104.]

Jan. 5.

12. Minutes of Council and Assembly of Nevis. The Council proposed that a gratuity should be given to the Clerk of the Council. The Assembly agreed to allow him 4,000 pounds of sugar for one year only, on condition that he read all petitions, endorsed the orders thereon and returned them to the petitioner *gratis.* Charles Williams, minister of St. Paul's, begged pardon for uttering scandalous words, saying the Council had done him high injustice. It was agreed to fine each member of the Council

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and Assembly who, without good reason, failed to appear in Charles Town by 9 a.m. each day they were summoned. The forfeiture to be spent by the respective members. [*Board of Trade.* Leeward Islands, 64. *pp.* 485, 486.]

Jan. 5. Kensington. **13.** Two orders of King in Council. Six Acts passed in Jamaica 1695, 1696, approved and confirmed. Duplicate of one defaced required. *Endorsed,* Recd. Read May 17, 1699. [*Board of Trade.* Jamaica, 8. *Nos.* 103, 104; *and* 56. *pp.* 313-315.]

Jan. 5. Fort William Henry. **14.** Minutes of Council of New York. Licence to collect charity granted to Samuel Terrell, of the County of Suffolk, on the island Nassau, yeoman, who has lately been burned out of his house. Petition of Joseph Langdon on behalf of a woman referred to the Justices of Peace of Queen's County on the island Nassau. Payment of certain officials ordered. [*Board of Trade.* New York, 72. *p.* 181.]

Jan. 5. Whitehall. **15.** Council of Trade and Plantations to Gov. the Earl of Bellomont. Since our letter of Oct. 25 we have been making what progress we can. We have received yours of Sept. 14, 21, Oct. 21, 24, and Nov. 7, 8, 12. We observe and highly commend your very great application in reforming the many abuses and taking measures to improve the Province of New York, and are no less sensible of your Lordship's exact and clear method in all your dispatches. But in regard to Mr. Brooks' collection of the revenue we should have been glad to know what information you gave the Lords of the Treasury. You will have received the letter of the Lords Justices of Oct. 28 wherein are such instructions as will enable you, we hope, to settle the affairs of the Province. As to your going to New England or staying at New York, we leave that to your own prudence. Besides the general representation upon which their Excellencies' foresaid letter was grounded, we laid before them another offering our opinion that Col. Romar might stay longer for the repair of the fortifications, with which they were pleased to concur, though we understand their orders will come too late. We also proposed that two hundred recruits might be sent for the forces, but upon that no determination has yet been taken. But we are not unmindful of the necessity of recruits and of provision for the pay of the forces, which matters in all proper occasions we shall promote to the utmost of our power. What you have advised us about the Governor of Canada insisting upon the French King's right of soverainty over our Five Nations of Indians has been laid before the King, as also what Mr. Stoughton has informed us about the encroachments made by the French of Accadie upon the territories of New England and their pretence to the sole right of fishing upon the banks in the high sea which lie off that coast, all which matters will come properly under consideration when the French Commissioners, that are to be sent hither to treat about the bounds of territories in America, do arrive. You will easily conceive that our representation upon the state of the Province could not be made without a long deduction of many matters of fact, as we received them from your Lordship, relating to Col. Fletcher. We have been ordered to hear him upon those

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matters and report our opinion. We shall hear both him and Mr. Weaver and your Lordship shall be duly informed. We have not had time to digest your letters of November for any report, but, upon reading that of the 8th, we cannot but think it highly necessary you should proceed to cause an exact account and thorough audit to be made of the accounts, as you propose, that any corruption may be detected and the guilty made to refund or suffer as justice shall require. With regard to your desire that a soldier may be pardoned for killing an Indian Sachem (*See Cal.* 1698, *No.* 988), we must answer that the Indians are known to be of so vindictive a temper, that the pardoning of any who has done them so capital an injury is a matter of very nice consideration; lest their resentment of such an offence should tend to alienate their affections. Though some of them have interceded for this man's life, you ought to be very well assured of their general inclination before he be absolutely pardoned; we leave him therefore in the meantime under suspension. We hope Col. Cortland's and Mr. Graham's testimony will prevent any inconvenience arising from the Clerk's error (*Cal.* 1698, 988). However, if you send us a copy of the commission of oyer and terminer, that may perhaps enable us to judge better. Besides the papers which you have transmitted to us relating to Col. Fletcher, there has one thing come occasionally from Maryland, referred from the Commissioners of Customs to the Commissioners of the Treasury, from them to the Lords Justices and from them to us. Certain letters of denization bearing date Nov. 5, 1697, granted by Col. Fletcher to Arnauld Nodine, a French man, in such extensive terms that upon the seizure and trial of a vessel, whereof he was Master, in Maryland, he was adjudged there to be qualified to trade as an Englishman, which being of evil consequence to England and directly contrary to all the Acts of Trade made here, we offered our opinion accordingly and sent you a copy for guidance on like occasions. We have received from Mr. Randolph (New York, Aug. 25) a list of vessels cleared out in the Custom House there for Curasso and Madagascar, March 25–Aug. 17, and as you have already been very watchful upon the Trade with Madagascar and we have sent you a late Act of Parliament for your further conduct therein (for settling the Trade to the East Indies), so we cannot but advise you to be watchful upon the return of those vessels, that they be not allowed in anything contrary to the Acts of Trade. Upon this mention of Madagascar, which has been the great rendezvous of pirates, it may be proper to acquaint your Lordship, that preparations have some while been making here for sending a squadron of ships of war to suppress them there and at St. Maria, or wherever else in those seas they can be met with, and that in order to the reducing of them, either by offers of pardon or otherwise, directions were given for a proclamation proper for that service, in which, upon news of Captain Kidd's having committed some notorious Acts of Piracy, his name was ordered to be joined with Every's as persons to be exempted from pardon, which we suppose hath been or will accordingly be done. We approve of your conduct at your meeting with the Indians at Albany. It is most necessary to endeavour by all means possible to retain them in their subjection to the Crown of England. We should be glad to have been told what became of those Indians that were here, and returned to New York under the care of Mr. Brook and Mr. Nicoll, for we doubt much of their sincerity and suspect their inclination biassed in favour of the French may incline them to do us more harm than good. Your proposal (July 1st) that part of the stock of the Corporation for evangelising the Indians should be employed towards the Instructions of the Five Nations in the neighbourhood of New York seemed to us very reasonable, and we moved it to Sir Henry Ashurst, but he answered that their stock was by charter appropriated to New England. We intend to enquire further and invoke your assistance in the matter. What you have advised us about the obstinacy of the Jerseys in the business of Perth Amboy is a matter of great weight; we should not have neglected one hour in putting some order to it, but as they found their claim chiefly on certain orders from the Commissioners of Customs, we have been obliged to seek some information from them and have not yet received an answer. In the meantime we advise you strictly to pursue His Majesty's instructions. We are very sensible of the inconvenience that happened upon the recalling of the *Fowey* frigate by particular directions to the Captain without any advice to your Lordship or deference to your authority, which we suppose you have represented to the Lords of the Admiralty and hope they will in future take care to prevent. As to the want of a man-of-war thereby occasioned, as there is the like want also in some others, we are preparing a representation upon the whole. We will be mindful of your desire that one of those to be sent may transport you to New England, but cannot promise it will be so soon ready as that you ought to neglect any other opportunity of repairing thither if necessary. Your suggestions about the forts and that Col. Fletcher's debt would be found to be more than sufficient to build the two forts at Albany and Schenectady if a strict audit of the public accounts and survey of the buildings were made, is a matter that requires further inquiry. The map of the Province you sent us seems to be very exact and will be of good use upon all occasions, but the printed collection of laws is not so perfect as it ought to be. Leaves are wanting and Acts misplaced in order of time. We entreat your Lordship to let another collection be made with more exact care and transmitted to us. As to your desire (Sept. 21) about the mustering of servants, we are not able to give any directions at all. Only we send you here enclosed a copy of His Majesty's orders about that matter. *Signed*, J. Bridgewater, Ph. Meadows, Wm. Blathwayt, Jno. Pollexfen, Abr. Hill. "Sent to Mr. Weaver." [*Board of Trade.* New York, 53. *pp.* 213-224; *and* (*rough draft*), 44 A. *No.* 26.]

Jan. 5.
Kensington.

16. Order of King in Council approving the representation of the Council of Trade and Plantations about instructions relating to trade to the respective Governors. *Endorsed*, Recd. Read Jan. 16, $169\frac{8}{9}$. 1 *p.* [*Board of Trade.* Plantations General, 5. *No.* 1; *and* 35. *pp.* 8, 9.]

Jan. 5.
Kensington.

17. Order of King in Council. The Council of Trade is to prepare drafts of a Commission to Lord Bellomont for an enquiry into the irregularities at Rhode Island as proposed in their representation of Dec. 21. *Signed*, Wm. Bridgeman. *Endorsed*, Recd. Read Jan. 16, $169\frac{8}{9}$. [*Board of Trade.* Proprieties, 2. *No.* 42; *and* 25. *pp.* 302, 303.]

Jan. 5. Kensington. **18.** Order of King in Council referring annexed petition to the Council of Trade. *Signed*, William Bridgeman. *Endorsed*, Recd. Jan. 9, Read Jan. 17, $169\frac{8}{9}$. *Enclosed*,

> 18. I. Proprietors of East New Jersey to the King. Andrew Hamilton, Esq., by appointment of the petitioners has been Governor of East New Jersey for many years past, and behaved himself with so much zeal and affection to your Majesty's service during the late war against the French of Canada and with so much justice and prudence towards your Majesty's subjects the inhabitants of that colony, that your petitioners at the general request of the people have again nominated him to be Governor and beseech your approval. *Signed*, Wm. Dockwra, one of the Proprietors and Secr. and Regr. of the Province. *Endorsed*, Recd. Dec. 23, Read Jan. 5, 1698. [*Board of Trade.* Proprieties, 2, *Nos.* 43. 43 I.; *and* 25. *pp.* 299-301.]

Jan. 5. **19.** Minutes of Council and Assembly of New Hampshire. The Representatives were sworn and chose Capt. John Pickring their Speaker. Governor Saml. Allen addressed them.

Jan. 6. An Act for continuing the Customs and Excise voted. It was decided that John Usher was a member of Council.

Jan. 7. The Assembly addressed the Governor, declaring that his conduct had been grievous in interrupting the collection and payment of the last Province rate, in substituting ill qualified for well qualified persons in office, and in admitting John Usher to be a member of Council, though all powers relating to him had been made null by the King's Commission to Lt.-Gov. Partridge. Unless these grievances were redressed, the House were determined to make a second application to Lord Bellomont for relief. The Governor replied, and dissolved them as finding their aim was "to strike at the King's honour and prerogative." [*Board of Trade.* New England, 49. *pp.* 447-454.]

Jan. 7. London. **20.** Col. Fletcher to Mr. Popple. I thank their Lordships that I am allowed to bring a Counsel on Thursday next, but know not on what points I should instruct him, unless by their Lordships' order I may be informed. *Signed*, Ben. Fletcher. *Endorsed*, Recd. Jan. 7, Read Jan. 9, $169\frac{8}{9}$. [*Board of Trade.* New York, 8A. *No.* 3.]

Jan. 7. Admiralty Office. **21.** Josiah Burchett to the Lords of the Council for Trade. My Lords of the Admiralty send the enclosed letter for your information. *Signed*, J. Burchett. *Endorsed*, Recd. Jan. 9, Read Feb. 2, $169\frac{8}{9}$. *Enclosed*,

> 21. I. Mr. Bridger to the Commissioners of H.M. Navy. I have delivered your instructions to Mr. Thomas Holland to join me. I have only drawn bills for 400*l.* since my arrival, and only wished to prepare you against surprise by intimating that I intended to draw 500*l.* more on you, part of which I shall expend on a guard and workmen

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while they are cutting of timber this winter. The guard I had before served only to view, they were seventy horse I had from the Government of Piscataqua, four days out of their Government, for which I was forced to pay six shillings per diem a man and horse and find them provisions besides. *The rest the same as No.* 22 I. *Copy.* 4 *pp.* [*Board of Trade.* New England, 9. *Nos.* 51, 51 (I); *and* 37. *pp.* 113-121.]

Jan. 9. Whitehall. **22.** James Vernon to Council of Trade and Plantations. I enclose copies of letters the Lords of the Admiralty have received from their agent employed at New England to enquire what Naval stores may be had from those parts. His Majesty would have you consider these papers and the other matters referred to you concerning the encroachments of the French as relating to the fishery. His Majesty would likewise have an account from your Lordships what are the known bounds of the English Colonies that border upon the French in North America, and what you are informed of the pretensions of the French for extending themselves within those bounds to the prejudice of His Majesty's right. *Signed,* Ja. Vernon. *Endorsed,* Recd. Read Jan. 9, 169$\frac{8}{9}$. *Enclosed,*

1698. Nov. 16. Boston. 22. I. Mr. Bridger to the Commissioners of H.M. Navy. I have barbed a great many pitch-pine trees, in order to make tar. I have been a progress to the southward from Cape Codd to Road Island, all through the woods for near 200 miles out right, where I found little or no good timber, being a barren sandy land; then came back through Taunton woods, there I found some good timber, but none being equal with the East parts, makes me fix there; in this place the specimens were cut, which Sir Henry Ashurst procured the viewing of, which has cost me a great deal of the money I have drawn on you, with the best management I was capable of. I have last week been to the westward forty miles, where they plant hemp, to encourage the people; have put in execution an experiment which I have made for the manuring of their land, which of itself will produce but small hemp, and if by this means it will produce larger and good, then I doubt not but everything will answer your expectation. I did design to the East where everything except hemp is better than 'tis at Piscataqua by all the informations I can learn, but the men-of-war being ordered home prevented my going, sloop-hire being so very chargeable, men's wages and victuals so dear, that I did not go this fall, but design in the spring as soon as ever the rivers are open to hire men and vessels if I have no frigate from you by March, which would be much cheaper; I computed the charges of two sloops with a guard, which will be £200 per month besides the workmen's wages, so that if you would prevail with the Admiralty to send a small frigate, 'twould save most part of the charges, for the workmen might have their victuals on board, the sailors might be as labourers with a small addition of their pay, as six pence per diem, which otherwise will cost three shillings per diem, so that we should only want a sloop to carry the specimens, they to load and unload. If your answer comes before March 'twill prevent this charge, else I shall proceed according to your letter. 'Twas impossible to have sent this summer for the season of the year was over before I came. The trees that I have prepared to make tar must stand till next winter before they are fit to use, but for timber I have men now at work, and design to send you a quantity in the spring, and rozin with it. If you would permit me to send turpentine, 'twould be much cheaper, for those that make the rozin save the oil, which is a great profit, and the rozin at a much easier price, the oil being worth sixpence a quart, if not more.

I believe the French King is putting Monsieur Deny's project in execution (22. (II)), for the French are settling their East country and are encroaching into our lines, as 'tis reported here, twelve leagues, is as good as any of our lands for the production of naval stores; this offer I to you, that care may be taken to prevent their design before the Commissioners appointed for settling such affairs be called home. *Copy.* 3 *pp.*

22. II. Monsieur Denys to the French King. The splendour of Your Majesty, when I presented you with a fox more curious than beautiful, but which came from a country belonging to you, so dazzled me that I forgot to make the proposal I had intended. If there be spent on New France, from the mouth of the St. Lawrence up to the English (territory) one quarter of what has been spent on Quebec that country will produce in one year more revenue than Quebec can in forty. It is a very good country for wine, salt, corn, ships' timber, and the fish with which England and Holland now supply us. *Signed,* Denys. *Copy. French.* 2 *pp.* [*Board of Trade.* New England, 9. *Nos.* 52, 52 I., 52 II.; *and* 37. *pp.* 105-111.]

23. Memorandum of preceding letter. ½ *p.* [*Board of Trade.* Plantations General, 5. *No.* 2.]

Jan. 9. Whitehall **24.** James Vernon to Council of Trade and Plantations. I enclose a copy of the French Ambassador's memorial, complaining of the desolation made by the English in that part of St. Christopher's which, by the Treaty of Ryswick, was to be restored to the French, and demanding reparation, since the damage was done after they had notice of the conclusion of the peace. His Majesty would be informed whether you have any account from the said Island that such spoil hath been committed there, and, if so, what reasons are given for it and what your Lordships' opinions are as to the demand of reparation. *Signed,* James Vernon. *Endorsed,* Dated, Recd. Read Jan. 9, 169$\frac{8}{9}$. *Enclosed,*

24. I. Extract of the Memorial of the French Ambassador. The Governor and Intendant of the French Islands of America write that some of the inhabitants of the part of

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the Island of St. Christopher which by the Treaty of Ryswick was to be restored to the King my Master, having gone there, found their houses utterly destroyed and the forests and sugar canes burnt by the English since they received news of the conclusion of the Peace. It is demanded that orders be given to the superior officers to compel those who have wrought this ruin to repair it. *French.* [*Board of Trade.* Leeward Islands, 6. *Nos.* 1. 1 I.; *and* 45. *pp.* 319, 320.]

Jan. 9. **25.** Petition of John Lucas of Antigua to Council of Trade. The petitioner, a man of good estate, member and often Speaker of the General Assembly, hearing many complaints against persons greatly encouraged by Governor Codrington, endeavoured, with the Assembly, to lay their misdemeanours before the Governor in order to have them punished and removed from their places of trust, but to no purpose. On hearing that His Majesty had been graciously pleased to appoint a Committee of Trade with power to examine into the administration of the government and justice of Antegoa, amongst other places, the petitioner wrote, May 4, 1697, informing your Lordships of several great mismanagements, abuses, violences, oppressions and obstructions of justice and connivance at notorious offences committed by General Codrington in the administration of his government. All which he is ready to prove on oath, now the Governor is dead. Hearing of the petitioner's letter Governor Codrington conceived a mortal hatred against the petitioner and studied and contrived all ways of revenge, and by his warrant, April 23, 1698, reciting that the petitioner and his son-in-law, John Austin, being summoned had not appeared at the Council held April 14, he committed your petitioner to gaol to be kept there until he produced his own body and the body of his son-in-law, and having sworn two of his creatures into the Council above the number directed, procured an order of Council, May 5, 1698, that your petitioner should continue in custody until he gave security of £5,000 to appear at the next general sessions to answer all Bills, plaints, &c., against him. During which confinement your petitioner suffered very great hardships and lost in his affairs and had a child died in prison with him and was barbarously refused by the Governor to see him buried. At a Court of General Sessions, June 16, 1698, the Governor caused two indictments to be exhibited against the petitioner for words against him, which were brought in *ignoramus* by the Grand Jury, and then exhibited an information against him for writing a "scandalous libel," the letter of May 4. The petitioner was convicted of libel and fined £100. The Governor then claimed £5,000 damages for a scandalous libel against himself and, without any legal proof, was awarded £2,000 damages by a jury. Petitioner was forced to bring a writ of error before the General Council but could never procure a full Court. Your Lordships wrote to the Governor expressing your opinion of this prosecution and the excessive bail required and then the petitioner was permitted to come over, which before he had been denied. He now prays your Lordships to examine the matters of fact alleged

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herein, and, since the Letter of Information of May 4 does not make him liable to indictment and the prosecution by the Governor is an affront to your Lordship's power and a terror to the subject, whose right it is to complain to your Lordships, to remit the £100 and to have relief against the heirs and executors of the late Governor upon the judgment for £2,000. *Signed,* John Lucas. *Endorsed,* Recd. Jan. 9, Read Jan. 27, 169$\frac{8}{9}$. 1 *large p.* [*Board of Trade.* Leeward Islands, 6. *No.* 2; *and* 45. *p.* 322.]

Jan. 9. **26.** T. Weaver to the Council of Trade and Plantations. Col. Fletcher's answers to the heads of complaints (*See Cal.* 1698, 1007 *and* 1077) against him are bare allegations directly contrary to positive depositions and other proofs. Minutes of Council and Taylor's deposition disprove his excuse that he did not know the ship *Jacob* was a pirate and that he protected the crew in compliance with the importunity of the Council. The Council was completely under his influence: two of them, Mr. Nicolls and Col Bayard, are now discovered to have received rewards for getting protection for pirates from Col. Fletcher. Taylor's deposition states the reward Fletcher agreed upon and received. The depositions of Doctor Staats and Alderman Lewis prove what reward he had through Bayard for protecting Rynderson and Lewis: the deposition of the Attorney-General about Coates shows that many other protections were given and that the common price was known to be one hundred dollars a man. Fletcher owns he received the ship as a gift, when, having been informed by Taylor that she was a pirate, it was his duty to seize her for the King. He confesses he ordered the £800 the ship was sold for to be paid into Ireland for his private use. He can produce no evidence of threats having been used to obtain depositions against him. When he complains of his misfortunes in Ireland and asks "What Governor under such circumstances would not do the like?" it may be answered, Lord Bellomont, though he has suffered far greater losses and personal prosecutions in Ireland, and yet has refused £5,000 offered him to protect some pirates who offered Mr. Weaver £1,000 for negotiating the same. The offer was made by one of Col. Fletcher's friends who subscribed to the certificate of his honourable deportment in that government. He confesses (5) that no securities for protected persons are to be found, and says that that is because the bonds were given up at the expiration of a year and a day. The Secretary of the Province who keeps the Records declares, however, that no such bonds were ever deposited with him. It is for Col. Fletcher to prove that they were ever given, or given by sufficient persons. He excuses the non-prosecution of the bonds, on the grounds that no complaints were brought before him whereon to ground a suit. When a Governor takes money so publicly he does not encourage the laying of such complaints. He says that he never had any reward for any Commission or Protection (4) and yet (6) admits that he gave a discharge for Reyner's treasure seized by the Sheriff and a protection for his person, and accepted a present of £50. Reyner had no occasion to make such a present if his treasure and person were not both in hazard on a due prosecution. No inquiries were made and no securities taken, so that this pirate escapes as others did under Colonel Fletcher's government, not one of them being ever convicted or prosecuted on their return whence they set out, of which they were assured, and made their public brags, as appears by the Memorial of the East India Company. (8) The opinion of the Council in favour of granting Tew and Hore and Glover commissions is an aggravation rather than an excuse, for Col. Fletcher well knew that most of the Council were trading merchants, and that Tew had been a pirate, and that both he and Hore were much given to drunkenness and swearing. Yet the latter commanded the Governor's cellar and servants, and committed debaucheries in his house and company. Lord Bellomont does not entertain pirates, hospitable though he is, and take rewards from them and then gild over the matter with the name of hospitality and the specious design of converting them. (10) If Col. Fletcher did not know the ship *Fortune* was an unfree bottom, he was the only person in New York ignorant of her being a Dutch privateer, commanded by Capt. Daniell, a Dutchman, under a Dutch commission, who hired her out. It is not strange that the Council should consent to grant her a commission, for on her return from Madagascar, laden with East India goods, taken out of Hore the pirate's ship, when she was seized by Lord Bellomont, he learned that two and twenty of the principal merchants of the town and several members with the Secretary and Clerk of the Council, were interested in the cargo. The seizure disgusted them to the last degree against Lord Bellomont and was a great motive for their certificate in favour of Col. Fletcher, whose government never gave them a disturbance of that sort. (11) The insufficiency of the securities was due to his carelessness in leaving the matter to his clerk Honan. If he had had a care to prevent those who had been pirates before from being pirates again, he would have seen to it himself. (12) The customs have decreased and yet the province was never so well supplied with East India and European goods from Curaçao and Scotland, which were, by connivance, never seized except about £1,500 worth of Scotch goods in the *Elizabeth*, which the Governor and Council discharged. The Customs of New York for last Michaelmas quarter are two-fifths more than those of the corresponding quarter for three years before, yet the entries of ships inwards and outwards are far less, which may well be imputed to the greater care of the present governor. The prosperity of New York could not possibly have arisen from trade with the West Indies, as is suggested, for that is chiefly in flour, and owing to an Act passed by Col. Fletcher, called the bolting Act, which gave liberty to the whole Province, instead of the City of New York only, to bolt flour, and so increased the opportunities of adulterating it, the value of New York flour fell 5*s*. in the hundred below the price of Pennsylvania and other flour at Barbados and the sugar islands. Mr. Nicholls, one of his chief councillors, was paid a large sum to get that Act passed. Col. Fletcher also forgets what he says in his preface—that the Colony never had more trade than when he left the place, and yet explains the decrease in the Customs by the

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decrease in trade from Europe. More seizures of goods have been made in the first six months of Lord Bellomont's government than in nearly six years of Col. Fletcher's. (13) The plat of the Province and the list of lands granted by Col. Fletcher will prove it is untrue that almost all the valuable lands of New York were granted away before he was Governor. It is incredible he did not know the grant to Col. Heathcote was part of the King's Garden: the grant itself mentions that fact. The deceit used by Mr. Dellius in the grant of the Mohawks' land is discovered in the depositions of Henry and Joseph, Indians and interpreters, all Christians, and in the conference of the Indians with Lord Bellomont. The King's farm was leased by Col. Fletcher even when Lord Bellomont was known to be on his way out, to hinder him from the use of it for his family, and not to forward the building of churches. The church of New York was not built by him, but by a contribution of several, even of the French and Dutch churches as well as English, and an allowance of £100 per annum given to an English minister by an Act of the country which is levied, the greater part of it, on Dutch and French inhabitants. There was no necessity, therefore, to lease this farm to the churchwardens. Besides, Col. Fletcher accepted a considerable present of plate for granting a charter to the Dutch Church, as appears by their Church Book. Capt. Evans gave £100 for his grant and Lord Bellomont mentions others (Nov. 8). Col. Fletcher lays the blame on his Attorney-General; but he excluded him from attending the Council and reference was seldom made to him on petitions for grants of land. He had positive orders to draw up grants after the manner the Government ordered him. (15) The victuallers' lists which do not agree with the numbers in the muster-rolls prove a fraud of £1,496 of the King's money by defective men; and that Col. Fletcher only allowed 5*d.* a day for a soldier's subsistence, whilst obliging the victuallers to pay him 10*s.* yearly for each soldier, which made their subsistence so much the worse. There are lists which prove that he did not pay the bounty given him by this country for the soldiers to procure them clothes: they were driven to desert, and he would not pass the Act of Assembly against desertion, but took the advantage of the money due to them when they deserted. To hide the weakness of his defence he charges the Earl of Bellomont with having deferred the sending of the soldiers' clothes when he had received tallies of £1,500 to that end. Really Lord Bellomont was paid that sum in malt tickets, whereby he lost 25 per cent. and was forced to raise £700 on his own bond to carry clothes to the soldiers; which he did, and the best they ever had there, and he still pays interest on his £700. It is not true that 17 of his company recruits from England were disbanded by the Earl without the clothes they served for: the certificate of the Lieutenant of the Company shows that 7 only, and those such as had petitioned to be discharged for their lameness or age, were discharged. Those of them who remained at New York till the clothes arrived were allowed about four pounds per man as the value of their clothes. (16) This charge is undeniably demonstrated by the papers referred to in the letters of Sept. 14 and Nov. 12, 1698, and the reports on the condition of the forts and frontiers. (18) He admits this, but

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attempts to justify himself, yet his behaviour resulted in very serious consequences. It is with great reason expected that an Assembly in New York fairly chosen will examine the public accounts and make a charge against Col. Fletcher of many thousands of pounds converted by him to other uses than they were raised for. *Signed*, T. Weaver. *Endorsed*, Recd. Jan. 9, 169$\frac{8}{9}$. 20 *pp.* [*Board of Trade.* New York, 8A. *No.* 4; *and* 53. *pp.* 225-251.]

Jan. 9. Whitehall. **27.** Journal of Council of Trade and Plantations. Representation upon Irish Bill agreed upon. Order of House of Commons for observations and papers relating to the encouragement of woollen manufacture of this kingdom and of the linen manufacture of Ireland read. Preparation of report and papers thereon ordered. Letter from Col. Fletcher (Jan. 7), read. Secretary ordered to inform him that the points on which he should instruct his Council are those delivered him some time since in writing.

Mr. Lucas presented a memorial relating to Col. Codrington's conduct in the Government of the Leeward Islands, and his own sufferings, which their Lordships promised to consider as soon as they possibly could.

Sir Thomas Lane presented an Order of Council upon a petition of the Proprietors of East New Jersey praying that Mr. Andrew Hamilton may be approved of for Governor.

Letters from Mr. Secretary Vernon, on the French Ambassador's memorial complaining of the desolation made by the English in the French part of St. Kitt's, and about the French bounds between the English and French territories in North America, and enclosing one about the Naval stores to New England, read and reply prepared.

Letter to the L.G. of St. Kitt's, requiring account of what spoils have been made there by the English, as complained of by the French, ordered.

Mr. Weaver presented an answer to Col. Fletcher's defence, and was permitted to instruct Mr. Attorney General as Council whom the Board requested the Treasury to pay the usual fee.

Jan. 10. Mr. Gilbert and Mr. Samuel Heathcote, Mr. Stratford and and Mr. Hastwell, some of the contractors with the Czar of Muscovy for importing tobacco into his dominions, represented the difficulties they lie under for want of admission into the Russian Company. They now employ 400, and might employ 1,200 or 1,500 persons in preparing tobacco to send thither. The Board assured them of their good opinion and readiness to represent their affair accordingly.

Mr. Henry Baker, Solicitor of the Treasury, attended as desired and said that he had been appointed first by the Lords of the Treasury and afterwards by Order of Council to prevent the exportation of wool and importation of French silks. He promised to give in writing a short account of the proceedings he had taken.

Representation relating to ships of war necessary to attend the Plantations signed.

Letter to Mr. Secretary Vernon prepared yesterday signed.

Further directions given about the report to be made to the House of Commons upon their order,

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Jan. 11.

Further progress made in preparing answer to the order of the House of Commons. [*Board of Trade.* Journal, 11. *pp.* 330-334; *and* 96. *Nos.* 6, 7, 8.]

Jan. 10.
Whitehall.

28. Council of Trade and Plantations to James Vernon. We have not had any notice of spoils committed by the English in the French part of St. Christopher's, except from the late Governor Codrington by a letter whereof we enclose an extract. We shall write to the present L. G. to give us a true and perfect account. We have received your letters of Jan. 3rd and 9th, relating to the French pretensions from the American Treaty to the sole right of fishery upon the banks lying off the coast of Accadie and Eastern parts of New England, and to what else in that treaty is liable to be laid hold of by the French to the disadvantage of His Majesty's subjects, and also relating to the bounds of the English Colonies that border upon the French in North America. But the consideration of those matters requiring some time, and being now prest in preparing what has been demanded of us by the House of Commons, we entreat you would please to acquaint His Majesty therewith and that we will immediately after the dispatch of that matter give His Majesty an account of what you have required from us. *Signed.* J. Bridgewater, Ph. Meadows, Wm. Blathwayt, Jno. Pollexfen, Abr. Hill. [*Board of Trade.* Leeward Islands, 45. *pp.* 321, 322.]

Jan. 10.
Whitehall.

29. Council of Trade and Plantations to the King. Having formerly upon the application of merchants concerned in the trade to Barbados, the Leeward Islands and Jamaica laid before their Excellencies the Lords Justices our opinion relating to the ships of war necessary to attend your Majesty's service in those islands in time of peace, and having lately received letters upon the like subject from the respective Governors of your Majesty's Plantations on the Continent of America, we now crave leave to represent that upon consideration of the occasions which frequently happen there for ships proper to suppress and pursue pirates, prevent illegal traders and hinder the encroachments of foreigners in our fishery and otherwise, we are humbly of opinion that it is very necessary that one man-of-war of the sixth rate be appointed for Virginia and one of the sixth rate for Maryland, to be made use of by the discretion of the respective Governors of those Plantations, either jointly or severally. Also one of the sixth rate for New York and one of the fifth rate for New England, under the direction of the Governor. All the said ships to be changed or relieved every year. In the appointment of these ships especial care to be taken that they be good sailers, which qualification we humbly conceive to be the more necessary because the strong currents in them seas do render any bad sailers altogether useless for the forementioned services. The Earl of Bellomont having writ us that the great distance between New York and Boston in New England and the unbroken ways and roads that lie between them make it very difficult for him to repair to his government of the Massachusetts Bay by land, and having desired that a ship of war may be appointed to transport him to and again by sea, we are humbly of opinion that either of those to be appointed for New

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York or Massachusetts Bay may transport him as there shall be occasion. His Lordship has likewise acquainted us that the Captains of the *Richmond* and *Fowey* frigates having been recalled from New York by direct orders to themselves without any communication thereof to him or deference to his authority, and it happening at the same time that his Lordship was applied to from Pennsylvania for assistance against a French pirate then riding in Delaware Bay, which had done much mischief ashore in that country and taken nine English vessels, but waited still for some one that might be more fit for his purpose of pirating in the East Indies, the captain of the *Fowey* upon pretence of his orders to return did refuse to sail thither in pursuit of the said pirate, by means whereof he escaped. In order to prevent the like inconvenience in the future we humbly offer our opinion that ships of war attending any of your Majesty's Plantations may not leave that service without the previous knowledge of the respective Governors. *Signed,* T. Bridgewater, Ph. Meadows, Wm. Blathwayt, Jno. Pollexfen, Abr. Hill. [*Board of Trade.* Plantations General, 35. *pp.* 4-7.]

Jan. 12.
Fort William Henry.

30. Minutes of Council of New York. The Acts of Assembly establishing the several Courts of Judicature being expired, His Excellency read the clause of his commission empowering him to establish such Courts as are necesssary with the advice and consent of the Council. The Council desired to take it into consideration for a few days. The memorial and accounts of George Sydenham, Escheator of the Province, were read and referred to a Committee. [*Board of Trade.* New York, 72. *p.* 182.]

Jan. 12.
Whitehall.

31. Journal of Council of Trade and Plantations. Papers presented by Mr. Kick, Dec. 29 and Jan. 2;—A proposal for preventing frauds in H.M. Customs and An Account of 981 bales of wool imported from Scotland into Rotterdam, read. The Bill now in the House of Commons to "encourage the woollen manufacture in England and restrain the exportation of wool, etc.," read.

Mr. Baker presented an account of his proceedings in suppressing the owling and smuggling trade upon the coast of Kent and Sussex, together with a clause he proposed to insert in some Act of Parliament for shortening the process against such offenders. Further directions given about the answer to the House of Commons.

Jan. 13. The answer finished and signed. [*Board of Trade.* Journal, 11. *pp.* 335, 336; *and* 96. *Nos.* 9, 10.]

Jan. 13.

32. Representation of the Council of Trade and Plantations to the House of Commons as to the encouragement of the woollen manufacture. *After a survey of the trade elsewhere concludes:*—Notwithstanding it was the intent in settling our Plantations in America that the people there should be only employed in such things as are not the product of this kingdom, except for so much as should be wanting for their own maintenance and supply of provisions to their neighbours, yet New England and other Northern Colonies have applied themselves too much besides other things to the improvement of woollen manufactures amongst themselves, which in its proportion is as prejudicial to this kingdom

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as the working of those manufactures in Ireland, wherefore it is submitted that the like prohibition be made with relation to them.

The woollen manufacture will receive the greatest encouragement by a due consumption of it at home, the largest vent of it abroad, and the hindering as much as is possible the growth and increase of it elsewhere, and that therefore the exportation not only of wool from Ireland but also of their woollen manufacture of the English Plantations in America to other parts than England ought to be prohibited or discouraged by the most coercive and proper means, and the people of this kingdom skilled or employed in the woollen manufacture to be prohibited from going over into Ireland or other parts and such as have already been inticed thither to be encouraged to return. [*Board of Trade.* Trade Papers, 14. *pp.* 145-155.]

Jan. 13. **33.** Minutes of Council and Assembly of Nevis. The Assembly pressed for the passing of the laws they had laid before the Council and refused to billet the island's proportion of Col. Collingwood's regiment coming from England till this was done. Meantime, they agreed that 3 companies should be landed and
Jan. 16. provided for by the Treasurer for a week. The Council requested them to quarter four companies, which they refused to do and proposed that Col. Holt's men should be disbanded. [*Board of Trade.* Leeward Islands, 64. *pp.* 486-488.]

Jan. 14.
New Hampshire Province.
34. Proprietor of New Hampshire to the Council of Trade and Plantations. Nothing of moment has happened since my letter of Nov. 28. I send copies of the Minute Books, by which it appears that the malcontents of this province augment in their disobedience to your commands of Aug. 3 in favour of Mr. Usher, and that all the Council, except one, continues in their perverse and contemptible ways. And because a respect is continued to said Usher agreeable to your Lordships' commands until Mr. Partridge was qualified, they have withdrawn from sitting in Council with him, and rather make choice to gratify their humours than obey the King, and will ever do until the ringleaders are sent for home and made examples. Richard Waldron and William Vaughan and two or three more are them which animates the insensible and inconsiderate to run into many errors. Nothing will prevent them continuing so but the sending over 20 soldiers to be in our fort here, and to make them pay the charges of disciplining them and reducing them to obedience to the Crown and Laws of England. I have been honored by His Majesty to be Governor for this seven years past and Mr. Usher my Lieut.-Governor and because we will not consent to run with them in the contempt of all authority and admit them to break the Acts of Navigation, they do not only refuse to pay one penny all this 7 years toward our charges for the support of the honor of the Government, but do malign and make false complaints against us to my Lord Bellomont, who recompenceth me with a letter of reprimand in their favour. I foresee I shall be ill recompensed for all the money I have spent in supporting the honour of the Government, and settling the military and civil affairs of this province unless your Lordships interpose with His Majesty either to order them to recompense us or order us in the continuance of

the Government. *Signed,* Samuel Allen. List of the present Council:—John Usher, L. G. Nathaniel Fryer, Major Joseph Smith, Capt. Kingsly Hall, Sampson Sheafe, Col. Thomas Packer, Lt. Peter Ware. I humbly pray Your Lordships to confirm the above Council. *Endorsed,* Recd. March, Read, April 3, 1699. 2 *pp.* [*Board of Trade.* New England, 9. *No.* 53; *and* 37. *pp.* 137, 138.]

Jan. 16. **35.** Petition of Nicholas Bayard to the Council of Trade and Plantations, praying for copies of the papers transmitted by the Earl of Bellomont relating to his suspension from the Council of York. *Signed,* N. Bayard. *Endorsed,* Recd. Read Jan. 16, 169$\frac{8}{9}$. [*Board of Trade.* New York, 8A. *No.* 5; *and* 53. *p.* 252.]

Jan. 16. Whitehall. **36.** Journal of Council of Trade and Plantations. Mr. Blathwayt communicated an extract of a letter from Paris, Jan. 9, relating to the settlement of the tariff between the French and States General. Letter to Mr. Secretary Vernon ordered, desiring to be informed of all particulars. Mr. Hill communicated a copy of the Bill now before the House of Commons for the more easy admission of merchants into the Russia Company.

Letter to the Agents of Barbados ordered (Jan. 17).

Petition from Col. Nicholas Bayard read.

Order for papers required by Mr. Weaver to be communicated to him. Col. Fletcher's hearing appointed for Friday, 9 a.m. Mr. Vernon to be desired that the Instructions to Governors relating particularly to trade, having been approved of by Council, may be despatched with all speed.

Order of Council upon a representation of Dec. 21, about irregularities in the government of Rhode Island and requiring drafts of a commission of enquiry as proposed, read.

Order of Council about merchantmen bound to the southward taking out Admiralty passes before they are dispatched at the Custom house, read.

Letter to Mr. Sansom, asking for answer to letter of Dec. 22 about Perth Amboy, ordered.

Jan. 17. Letter to Mr. Vernon signed.

Enquiry ordered of Mr. Attorney General whether the Act for preventing frauds and regulating abuses do not exclude Mr. Andrew Hamilton from being Governor of East New Jersey. [*Board of Trade.* Journal, 11. *pp.* 337-341; *and* 96. *Nos.* 11, 12 *and* Trade Papers, 14. *pp.* 156-159.]

Jan. 17. **37.** Council of Trade and Plantations to Edward Littleton, William Bridges, and Francis Eyles. We have had some notice of a design carrying on here to plant Tobago under the protection of the Duke of Courland. You are to enquire into it with all the care you can and report on the matter, as also whether you hear of any ships designed from hence to that island. [*Board of Trade.* Barbados, 44. *p.* 239.]

Jan. 17. Custom House. **38.** Jno. Sansom to William Popple. Yours of the 22nd past with some papers relating to Perth Amboy was received and laid before this Board. But the Holy daies then very shortly intervening and a great deal of business succeeding them

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the Commissioners have not yet had time to return answer but will take the first opportunity. *Signed*, Jno. Sansom. *Endorsed*, Recd. Read Jan. 18, 169$\frac{8}{9}$. [*Board of Trade.* Proprieties, 2. *No.* 44.]

Jan. 17. Whitehall. **39.** William Popple to Sir Thomas Trevor. The appointment of Andrew Hamilton as governor of East New Jersey having been referred to the Council of Trade, they desire your opinion whether he, being a Scotchman born, be qualified for that employment, in respect of the Act for preventing frauds and regulating abuses in the Plantation Trade or any other law of this realm. [*Board of Trade.* Proprieties, 25. *pp.* 303, 304.]

Jan. 18. **40.** Journal of Council of Trade and Plantations. Mr. Crown attended as desired, and gave some account of his title to Penobscot and promised it in writing.

Letter from Mr. Secretary Vernon, promising to communicate what particulars he can about the settlement of the tariff between Holland and France, and to dispatch the Instructions to Governors and Proprietors, read.

Letter from Mr. Sansom, promising answer about Perth Amboy shortly, read.

Col. Bayard, Mr. Robert Hackshaw and Mr. Blackhall, merchants trading to New York, made some general complaints against Lord Bellomont's conduct in that Government. Being directed to put their allegations in writing some objected, others seemed inclinable to do it.

Jan. 19. Ordered that notice be again given to Col. Fletcher that he be punctual in observing the hour of nine o'clock to-morrow morning appointed for the hearing of his business.

Mrs. Wood, the necessary woman, laying before the Board two bills for necessaries for cleaning the rooms amounting to five pounds per annum, their Lordships ordered her to be paid for that charge three pounds per annum for the past and for the future.

Upon consideration of the complaints made yesterday against the Earl of Bellomont, their Lordships reflecting that probably the ground thereof may arise from the fear lest some law should be made in the next Assembly enacting that reparations be made for damages done to those of Leisler's party in the time of the Revolution, ordered a letter to be written to Lord Bellomont advising him not to pass any such Act without the King's express command.

Several papers relating to Col. Bayard's removal from the Council of New York were read.

The draft of a clause was agreed upon which might be added to the Bill for encouraging the Woollen Manufacture in England with relation to H.M. Plantations in America, and Mr. Blathwayt was desired to present it to the Committee of the House.

The clause was as follows:—No wool, wool-fells, shortlings, wortlings, wool-flocks, woosted, bay or woollen yarn, cloth, serge bays, kerseys, says, frizes, druggets, cloth serges, shalloons or any other drapery stuffs or woollen manufactures whatsoever made up or not, with wool or wool-flocks, being of the product of any of the English Plantations in America shall be loaden or laid on board in any ship or vessel in any place or parts within any of the said English Plantations upon any pretence whatsoever, or upon any horse cart or carriage to the intent to be exported under the same penalties as are prescribed for the like offences committed within the kingdom of Ireland, etc. [*Board of Trade.* Journal, 11. *pp.* 341-346; *and* 96. *Nos.* 13, 14; *and* Trade Papers, 14. *pp.* 160-163.]

Jan. 19. Fort William Henry.

41. Minutes of Council of New York. His Excellency proposed, with a view to uniting parties and curing the present unhappy differences among the people, to call an Assembly. The Council concurred and writs were ordered to be issued for an Assembly to meet on March 2. Courts of Judicature were ordered to be continued by a proclamation till confirmed by an Act of Assembly.

Payments on accounts of fees and expenses in escheating the estate of Thomas Williams of the county of Winchester were ordered to George Sydenham, John Shute, High Sheriff, Benjamin Collier, clerk, Joseph Hunt, Constable, all of the county of Westchester. The account of John Peter Melott, blacksmith, being found fraudulent, Thomas Parmyter, the master gunner and supervisor of the buildings in the fort who signed it, was discharged and John Ashton appointed in his place. [*Board of Trade.* New York, 72. *pp.* 183-185.]

Jan. 19. Admiralty Office.

42. Lords of the Admiralty to the King. Report on the representation of Jan. 10. There is already in the West Indies a ship of the sixth rate attend[ing] on Virginia and a fifth rate on Barbados and a fifth and a sixth rate on Jamaica, and a sixth rate on the Leeward Islands so that, if the other ships proposed be sent into those parts, there will then be there, three ships of the fifth rate and six of the sixth rate, besides the squadron under command of Rear-Admiral Bembow, composed of two fourth, one fifth and one sixth rate. The commanders of such ships as do attend the Plantations having orders to follow such directions as they shall from time to time receive from the respective Governors, it is presumed they employ them in such manner as may most conduce to His Majesty's service, and it is the intention of this Board to relieve them yearly or in as little time longer as possibly the service will admit of it. We do not know of any ships leaving the Plantations without the previous knowledge of the Governors thereof. The Commander of the *Richmond* had orders to advise with the Governor of New York about a reasonable time for his stay, before his return, to the end such merchant ships as intended to come under his convoy might get themselves ready to proceed accordingly. The orders sent to the Commander of the *Fowey* directed him that when he was ready to sail for England, if the Governor should desire him to stay any number of days not exceeding twenty for the bringing home any merchants ships bound his way, he should do the same and then return home, and all other H.M. ships will have the like orders upon their being sent to any of the Plantations. *Signed*, H. Priestman, R. Rich, G. Rooke, Kendall, John Houblon, Geo. F. Wharton. *Endorsed*, Recd. Read, Feb. 10, $169\frac{8}{9}$. *Copy.* 2 *pp.* [*Board of Trade.* Plantations General, 5. *No.* 4; *and* 35. *pp.* 9-11.]

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Jan. 19. **43.** Memorial from Mr. Crown, setting forth his title of Penobscot and other lands adjacent in America. *Endorsed*, Recd. Jan. 19, Read Feb. 10, '9$\frac{8}{9}$. 6 *pp.* [*Board of Trade.* New England, 9. *No.* 54 *and* 37. *p.* 134.]

Jan. 20. **44.** Journal of Council of Trade and Plantations. Hearing of Col. Fletcher's case. Mr. Weaver attended with the Attorney General as Counsel for the King: Col. Fletcher with Sir Thomas Powis as Counsel for him. The Heads of Complaints 1, 2, 3 and 5 (*Cal.* 1698, *No.* 1007) were read and Col. Fletcher's replies thereto (*Cal.* 1698, *No.* 1077.) Mr. Attorney General read papers in confirmation of those charges and Mr. Weaver stated he was present when the Secretary of the Province declared to Lord Bellomont that no securities taken for the men belonging to the ship *Jacob* were ever committed to his hands. Sir Thomas Powis replied, first, by a complaint of hardship that Col. Fletcher had not been given copies beforehand of the papers now produced against him, to which Mr. Attorney replied that it would have been contrary to the method of proceeding in all such cases, and, secondly, by pleading the Acts of Indemnity passed in England since those things were done, though they do not positively extend to those things done in America. He desired time to send to America for counter evidence; argued that the Attorney General of New York was himself criminal in not prosecuting pirates, and pleaded the many commendatory addresses made to Col. Fletcher by the inhabitants of that Province. Col. Bayard said that Taylor had told him he was imposed upon in making his deposition. As to the Minutes of Council April 7, 1693, he was himself a member and present and the matter was freely debated: they were not overawed by Col. Fletcher but unanimous in their opinion that the men belonging to the *Jacob* should be admitted. The minutes were very seldom read in Council. He complained of Lord Bellomont's undue method in forcing witnesses to swear. The ship *Jacob* was greatly suspected to have been at the Red Sea, and the Council relied upon the information given by Mr. Nicoll, who said he had it from Taylor. The Act for restraining and punishing privateers and pirates was discussed. Capt. Evans appeared as a witness that Taylor's deposition was forced, and his deposition was read. Mr. Chidley Brook said there was no manner of force brought to bear upon the Council: there was only suspicion, but no evidence that the *Jacob* had been at the Red Sea, and the reason for admitting the crew was that upon refusal they would have gone away to some other country. Col. Bayard said that no examination or enquiry was made about the doings of the ship. It was the duty of the Secretary who gave the protections to take the securities. The men sought for protections not because they were pirates and feared the Act, but that they might be secure from being pressed aboard H.M. men-of-war. But it was observed that the protections had no manner of relation to the pretence of securing men from the press. Affidavits by Benjamin Ashe, Jacob Mayle and Mathew Ling were read, but withdrawn as relating to other matters. Mr. Weaver said that none but himself and the Attorney General of the Province were present when Taylor's deposition was taken. All the inducement Lord Bellomont used to oblige him to declare his knowledge was a promise that if he did it ingeniously [? ingenuously] he would intercede with the King for his pardon.

Articles 4, 6, 7, 8, 9, 10, 11 and 12 in the forementioned heads of complaints were read with Col. Fletcher's answers. The depositions of Dr. Staats and Alderman Lewis were produced in confirmation of Article 4, and depositions of John Wicks, Col. Depeyster and James Emott, Reyner's discharge, a letter from Sheriff Hobbard and a memorial of the East India Company in confirmation of Article 6. Col. Bayard said with regard to the matter of the first two depositions, he wrote to Col. Fletcher who was then in Pennsylvania and he replied that he would make no bargain, but, in sending the protections desired, he added that they might make what present they pleased. The protections were desired to secure the men from being pressed; Lewis told him they had been abroad rambling but did not say they had been with Capt. Tew. He paid the money received to Mr. Honan. The pieces of Arabian gold were worth about two dollars a piece, and had been pretty common in the Province since the arrival of Capt. Coates. A copy of the protection to Barnard Rinderson was read and found to be wholly foreign to the reason given for desiring them. Col. Bayard said that Col. Fletcher had ordered him to take security for these men in delivering their protections, but the persons who applied for them being his neighbours and friends he did not care to do it, but on the return of Col. Fletcher he told Mr. Honan they were to give security. He had been 45 years in the Province and long in public employments, both under the Dutch and English Governments, but did not know that any such protections were formerly granted. But a bystander unasked said Col. Dungan had granted such like, and Col. Fletcher himself said it had been a common practice. Sir T. Powis asked for time to send to America for counter-evidence. Documents were read in support of Articles 7 and 8, and Mr. Weaver declared that he being about the time of Tew's commission in the Leeward Islands, it was a thing notoriously known to every one that Tew had before then been a pirate. Sir T. Powis pleaded that Col. Fletcher might not have known, but it was observed that in his answer he seemed to admit that he did. To show that persons entrusted with such commissions may become guilty of great crimes without the fault of those concerned with them, Sir T. Powis instanced in Capt. Kidd, with whom Lord Bellomont himself and others are concerned. He produced minutes of Council of New York, Nov. 8, 1694, to show that the Council unanimously agreed that Tew should have a commission. Documents were read in support of the 10th article. Mr. Attorney General observed that Moston's ship, *The Fortune*, having been formerly a Dutch privateer, and thereby notoriously known to be an unfree bottom not qualified for trade in the Plantations, it was evident the commission was only given her for a colour. Sir T. Powis replied that nothing was more common than for merchantmen of any considerable force, who go upon voyages of trade in time of war to take along with them commissions of war, which was confirmed by Capt. Evans as things wherewith the Records of Doctors Commons are full. Col.

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Fletcher said he did not know the vessel was an unfree bottom. The hearing of the case was adjourned till Tuesday, 4 p.m. [*Board of Trade.* Journal, 11. *pp.* 346-360; *and* 96. *No.* 15.]

Jan. 20. Jamaica. **45.** Governor Sir William Beeston to Council of Trade and Plantations. In mine of Dec. 5 I informed you that I had sent the *Maidstone* to Petit Guavas to demand from Mons. Ducasse satisfaction for the piracies committed by Kelly since the Peace. She has returned with the enclosed reply from M. Paty. It's visible by the frivolous evasion they make that they never intend justice on his person nor restitution for his villanies, for to say he had been brought before the Judges and they had found nothing against him, is pure design, because before he came in there the *Chatham* had been at Petit Guavos to demand satisfaction which they promised. The reasons they give are evasive as the rest, for they say a vessel of theirs was taken by one of our ships of war, the *Chatham*, in time of peace, which is not truth. It was a Tartan the *Chatham* took Oct. 20, and the peace did not commence till Nov. 19. They say 14 or 15 of their men landed on the N. side of this island and our people robbed them. 'Tis true they landed in the time of the peace but with their arms and in a hostile manner with intent to rob the poor people of those parts, but ours proved too strong for them and took away their arms, but not their clothes as they allege, and if they had been punished they had received but their deserts, but they were sent home very friendly, so that all these pretences and excuses are but only the denial of justice, and the truth of the reason is Mons. Ducasse was concerned in the Tartan as a merchant and in Kelly as a privateer, and therefore regrets the loss in the one and designs to keep the money gotten by the other, which was to a great value. The *Sindados* (*Soldados, Entry Book*) *Prize* is returned from St. Domingo but at her going up stopped at the Isle de Vash (*Vache*) to enquire after the pirates, whence Mons. Beauregard, who is Governor there and settling a new colony of French by the name of Port Lewis, has written me a great complaint of the officers and people of that ship, which I transmit, for I think he will complain in France or to their ambassador, for I find they are very minute in demanding of what they think their right, though they deny it to us, for the Lords Justices by Mr. Yard sent me a list of 14 or 15 French that were taken some years since in one of the northern ports about Nova Scotia, with order to enquire if any such were detained here and to let them go, but I have none of them nor any other; nor in the time of the war did detain any, because we had not wherewithal to defray the charge, and Mons. Ducasse did the same by ours. But this gent. will now expect reparation from me for these injuries if they be true, and I have not any public money to do it withal, neither have I any authority to cause the officers of the ships to do it, for they know my authority reaches only to order them to go to this or that place for the service of His Majesty and the Island, but am ordered not to meddle with them or their discipline, from whence they know they may do what they think good whilst they are here and nobody can say anything to them for it, so that it seems a paradox that ships should be sent hither and ordered to (*be*) under the direction of

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the Governor for the time being, yet at the same time when an officer falls they have power to give commission to new ones without the Governor's approbation, and to do what they please in and about their ships. For my own part I am not concerned at it in relation to myself, for it's an ease to me and saves me the trouble as well as censure perhaps for putting in officers though very fitting yet that others do not like, but how it consists with his Majesty's honour and authority I must humbly leave to your Lordships' better judgments. Lieut. Allen, who commands the *Soldados Prize*, denies all Mons. Beauregard writes, and says there was no storehouse broken open, that he freely gave him the meat he complains of and offered him all the civility whilst he was there that he could shew and the place afford, and says further that Mons. Beauregard has had a correspondency with the pirates that have touched there, and therefore pretends to complain first for fear I should complain of him, and it is certainly true that he had the brigantine in his own possession that the pirates took coming away for this place from New York laden with flower, and about 70 or 80 barrels of flower which was more than the pirates could take aboard and has kept most of the flower, but the brigantine Lieut. Allen took away from him and sent her hither. The governor of St. Domingo also writes me a long letter about the taking and condemning of Medlicott's sloop, and after a long harangue tells me the produce is in the King's Chest, whence it cannot be paid out but by an order from Madrid, and has sent me the Plito (*pleyto,=dossier*) which is a volume all of very little concernment onely form, but Lieut. Allen tells me that they owned the Governor, Lt. Gen. Fiscal and others had placed the produce of the vessel amongst themselves and therefore it was to no purpose to expect restitution from them, and to go to Spain to seek after it is adding more time and money to the lost to no purpose. That your Lordships may see the more plainly how they use us I transmit a duplicate of a letter written by one Macarty, an Irishman, who is interpreter at St. Domingo, by which it appears they have done very ill, or he must be a great rogue who lives amongst them to give such an account of them. In the main it's very hard and uneasy, and I humbly hope your Lordships will please so to represent to his Majesty, that we may have some directions for redress, which they will never make unless we have leave to stop their vessels for satisfaction. I have now an account that they have in Cartagena two English ships that carried negroes thither for the Assiento, two vessels of New York and one from this island, which they detain, but whether they have wholly seized on them or only detain them till they have sent their expedition against the Scotch, I cannot certainly learn, but the master of a vessel of New York which they took and the English ran away with in the night and came hither tell me the Spaniards told them they took them because there was war with the English. *Signed*, W. Beeston. *Endorsed*, Recd. 21 March, Read March 23, $169\frac{8}{9}$. 2 *pp*. 1 *p. abstract*. *Enclosed*,

45. I. M. Paty to Governor Beeston. M. Ducasse is ill, so I must reply to your letter. Kelly has been tried and acquitted. M. Ducasse has already written to reproach you with being the man who asks more and gives less

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justice than any other. He has given up to you 7 or 8 ships that had been taken, and one of your men-of-war has taken a barque of ours for which we have never been able to obtain satisfaction. Fourteen or fifteen Frenchmen were stripped naked on shore in peace time, but we have never been given back their clothes or arms. We will do all we can for the frigates you are sending to cruise here. *Signed*, Paty. *French*. Dec. 20, 1698.

45. II. M. Beauregar to Governor Beeston. I have received your letter about a brigantine taken by a pirate on this coast. Nobody has a greater hatred of pirates than I. But what can I do? I am just settling a new colony here, and have no forces even to protect myself against the outrages of Lieut. Allen, commanding the *Soldados Prize* (*Prise des Soldates*), who has behaved here as if we were at war. They robbed the Church and even profaned the altar, as is proved by Mr. Allen sending me back an image of the Virgin, which he had carried off to his cabin and which was on the altar. They broke open and looted a shop on the seashore, as is proved by their confessing to me that they had taken some brandy and flour, but that they thought the flour was English and from a pirate—very bad reasons for such behaviour. Having no force at my command I had to try persuasion with the pirate and with great difficulty succeeded in getting the brigantine and 57 barrels of flour he could not take. I was going to send her to Jamaica, since she belongs to you and Col. Cher, otherwise I should not have taken so much trouble, despatching her to Petit Guavas, where I heard were some English men-of-war with a cargo of provisions for the inhabitants. She was just about to start when Lt. Allen came aboard, assaulted the officer I had placed in command and told him he was his prisoner. I am much insulted at the way I have been treated and demand justice. Am *I* a pirate? (*Est ce moi qui suis forban !*) I have 37 barrels of flour and half a barrel of oil etc. which were in the brigantine and which I will send to your order if you will return me the cargo and other things seized by Capt. Allen to the value of 7 or 8 hundred crowns, I assure you on my oath and honour. *Signed*, Beauregar. 10 *pp*. *French*. Port St. Louis. Dec. 27, 1698.

45. III. John Macarty to Governor Sir William Beeston. Capt. Medlicott has been very much wronged. The Captain that took him had no commission, and chose his own judge when he had him and all his men tried for pirates. They were permitted to leave the island, and in their absence another trial was got up. *Signed*, John Macarty. S. Domingo. [*Board of Trade*. Jamaica, 8. *Nos*. 105, 105 I., II., III.; *and* 56. *pp*. 288-302.]

Jan. 20-26. **46.** Minutes of Council and Assembly of Nevis. It was agreed that the Act for obliging persons to give in a list of their negroes upon oath should be put in force against several resisters, and that a house and land belonging to Col. Bartlet's orphan should be rented for Col. Collingwood. A committee of both houses was appointed to draw up an Act for raising a levy of a 100 pounds of sugar per head on all negroes, which would amount to 526,500 pounds, and a sixth part on Charles Town, James Town, and New Castle, World's End, amounting to 87,750 pounds. Mr. Richard Cary was appointed to act as agent in England. The Assembly proposed that the money advanced in supplying Col. Collingwood's officers should be repaid when the levy was raised; that Mr. Pinney should present the account of what the public owed him for accommodating Col. Collingwood to the House; that Col. Collingwood should be allowed £140 per annum for one year, the captains fifty pounds, lieutenants, ensigns and chaplains forty, to be paid quarterly in advance. They also proposed that the two Houses should write home to explain that they could not afford to billet the soldiers longer than for the time consented to in order that they might be "eased of so vast an expense of giving soldiers free quarters in peaceable times." They proposed to buy "a very good book, fit for transcribing the Acts in." [*Board of Trade.* Leeward Islands, 64. *pp.* 489–492.]

Jan. 23. **47.** Extract from Ogilby's *America* relating to a grant from King Charles I. to Sir Lewis Kirke, May 11, 1633, to plant, trade and colonise on the river Canada. "The year following Kirke and Company send out a ship which was seized by the French, because she was trading in Canada. Restitution being demanded by the English Ambassador to the value of £12,000 sterling, nothing was obtained." *Endorsed,* Recd. Read Jan. 23, 169$\frac{8}{9}$. *Enclosed,*

47. I. Two extracts from Fournier, Hydrograph. *pp.* 351, 352. (French.) [*Board of Trade.* New England. *Nos.* 55, 55 (I); *and* (*without enclosure*), 37. *pp.* 112, 113.]

Jan. 23. **48.** Journal of Council of Trade and Plantations. Mr. Hill communicated an extract of a letter to Sir Thomas Vernon, dated Smyrna, Oct. 22, 1698, relating to the great increase of the French trade thither as well in draperies as in other commodities; also an extract from Ogilby's *America* relating to a grant made to Sir Lewis Kirck and Partners by Charles I. of the privilege of fishing etc. in the River of Canada.

Two alterations made in the Representation on the General State of Trade of this Kingdom.

Jan. 24. Colonel Fletcher's Case. (1.) Article 11 was read and depositions in confirmation produced; these Sir T. Powis said related wholly to Col. Fletcher's servant Daniel Honan; Mr. Attorney replied that they concerned Col. Fletcher as the fault of his servant about a thing in which he himself was obliged to have taken care. He produced documents to prove that (Art. 12) the trade of New York was greater during Col. Fletcher's Government than since, but the Customs were less, and argued that much of that trade was therefore unlawful and greatly connived at. Sir T. Powis replied that the City during the same period was greatly enriched and enlarged, and that during time of war not so many ships were entered directly from England, which are those that bring in

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most Customs, but chiefly from the neighbouring colonies. Mr. Brook was called to show why the Customs could not be so great then as now, to whom Mr. Weaver replied. In confirmation of Art. 13 and 14 Mr. Attorney produced the memorial of the Attorney General of New York about the method of granting lands. Sir T. Powis again complained that they had not had the paper now produced communicated to them before. Col. Bayard said that before Col. Fletcher's time the constant practice was that the Attorney General did attend the Council: Col. Fletcher thereupon declared that he altered that method because he did not think fit that anyone should be present in Council who was not under the oath of a Councillor, and, concerning surveys, he said that the Surveyor General was lazy and negligent and that when he came away there were about 15 warrants for surveys unexecuted. Further evidence was given on either side with regard to the granting of lands from the Crown and the granting of the Mohacques' land to Mr. Dellius. Documents were read in support of Article 15. Col. Fletcher replied that he never received a farthing of any allowance for the King's forces. Sir T. Powis observed that the muster-roll was certified by Col. Cortland, now one of the Council, and Col. Bayard added that the charge of falsifying it was made by Bulkley, an infamous fellow. In answer to Art. 16 and the report of Col. Bayard upon the survey of the Fort of New York, Col. Bayard replied that every word of Col. Fletcher's written answer was true; Sir T. Powis produced a report made by Mr. Pinhorn to show the impossibilty of marching to Cadaraqui to demolish that fort. The letters of denization of Arnold Nodin were read. Col. Fletcher replied that he remembered nothing of that business; and had granted no such letters but in the usual form. The Duke of Shrewsbury's letter recalling Col. Fletcher and assuring him that His Majesty was not dissatisfied with his conduct but would employ him some other way, together with several addresses, was read.

In consideration of the late order of Council the Secretary was ordered to write to Mr. Burchet desiring to know such instructions given upon that subject as the Lords of the Admiralty may think fit to communicate in order to a report upon that matter. [*Board of Trade.* Journal, 11. *pp.* 361-372 *and* 96. *Nos.* 16 *and* 17; *and* Trade Papers, 14. *pp.* 163, 164.]

Jan. 24. **49.** Deposition of Lt. John Bulkeley. Lieut. Peter Matthews of H.M. Company of Grenadiers in Fort William Henry, in New York, allowed one Capt. John Corbet to carry off on board his ship Peter Chowns, a soldier of that company, who escaped and returned to duty, but was imprisoned and returned to Corbet by Matthews. (Nov., 1696.) About the beginning of Jan., 1696, Matthews obtained through misrepresentation deponent's signature to a muster roll which included the names of many dead and run away. There were only 49 effective men doing duty in that fort on Lord Bellomont's arrival. *Copy. Endorsed,* Produced to the Board by Mr. Weaver at Col. Fletcher's hearing. Recd. Read, Jan. 24, 169$\frac{8}{9}$. 4 *pp. Dated,* New York, July 5, 1698.

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50. Deposition of Col. Cortland and Mr. Livingstone about the perquisites allowed by them to Col. Fletcher for victualling the soldiers, with a muster roll and account. *Signed,* Rt. Livingstone and B. Cortland. *Endorsed as preceding.* 4 *pp.*

Jan. 21. **51.** Reasons why the revenue of New York was not so great 1692-1697 as in 1687. The Acts of Assembly, 1691, 1692 took off the duty of 12*d.* per gallon, laid on in 1683, on wine and spirits carried up Hudson's River, except on liquors retailed there. The Act of 1692 allowing merchants to sell any quantity of spirits not under 5, instead of 15 gallons as heretofore, seriously affected the retail trade and through it the Excise. The same Act substituted 5 per cent. duty payable at importation for the 10 per cent. duty on Indian goods carried up Hudson's River. The war has hindered Indians from hunting and bringing in furs. All customable goods imported have been loaded with an additional duty near as great as the Customs, which, with the great conveniency of committing frauds given by the new wharves built within the river with merchants' houses upon them, has put the merchants upon more contrivances to run their goods, whilst the greatness of the duties have much lessened the trade, the ports of the neighbouring colonies being all free. Before the war New York was the mart to Pennsylvania, the Jersies and Connecticut, but of late the trade of Pennsylvania has been very near equal to that of New York, and the rest trade for themselves and want little from New York. The war and ships captured by the French also decreased the revenue, and, dislocating business, caused many inhabitants to leave New York, through fear of being detached to defend the frontiers at Albany. The Dutch, when they held the province, had a public Weighing House where all weighable goods were obliged to be brought and weighed upon importation or exportation or sale or barter within the city of New York, and certain rates were established for each "drought of the beame or parcell of goods weighed, as 3*d.* for every hundredweight of flour." This system was continued by the English Governors till 1692 when an Act of Assembly established certain rates payable out of the Weigh House, about ⅔rds less than those settled by the Dutch, and gave the merchants several privileges, as to weighing their own goods, which they had not before, to the great diminution of the revenue, as appears by the Weigh Master's accounts. In spite of all these drawbacks, the Customs arising from imported goods were in several of the years named actually larger than the like Customs in the boasted year of 1687, into the accounts of which great sums of the arrears of Excise in former years are crammed, but carefully deducted in other years compared with it, in order to sully the reputation of those who had the management. Note that Act establishing the additional duty expired May 14, 1698, and with only a 2 per cent. duty merchants will not now be so industrious in running their goods as they were to avoid the 4 per cent. nor will they now alter the bottom and transport so many of their goods to other Colonies without landing them and paying the duties. That clog being removed and the war ended, the revenue will certainly very much increase. *Endorsed,* Presented to the Board by Mr. Chidley Brook at Col. Fletcher's hearing. Jan. 24 169$\frac{8}{9}$. 4 *pp.* [*Board of Trade.* New York, 8A. *Nos.* 6, 7, 8; *and* 53. *pp.* 252, 253.]

Jan. 24. **52**. Minutes of Council of Barbados. The execution of Katherine Travorse, for murdering her bastard-child, and of George Karr, under the statute of stabbing, was suspended. A letter from the Lords Justices, rectifying the misnomer of George Lillington who had been put in the Commission as Richard, was read. A Bill for the laying out and enlarging a common road was read three times and ordered to be engrossed. The Assembly waited on His Excellency with an address and a request that he would be pleased to accept £800 for repairing his house. Read and approved. Presentments by the Grand Jury delivered to the Speaker for the consideration of the Assembly. [*Board of Trade.* Barbados, 65. *pp.* 383-385.]

Jan. 24. **53**. Journal of Assembly of Barbados. *Present:* Hon. Thomas Sadleir, Hon. James Colleton, Col. Abel Allyne, Col. John Leslie, Major George Peers, John Holder, William Holder, Samuel Maynard, Col. William Cleland, Daniel Hooper, Miles Toppin, Henry Markland, Thomas English, William Wheeler, Jonathan Downes, William Doten. Thomas Maxwell was unanimously elected Speaker. A summons was ordered and issued to the Hon. William Sharpe and Thomas Harrison to show their reason for not appearing before the Committee of Grievances and Inspection of Fees. Order made for an Explanatory Bill to the Act for the encouragement of Christian servants. Leave given to Col. William Cleland to bring in a bill to settle the conveyance of an estate to Charles Middleton of St. Thomas' parish, the original deeds being lost. The bill entrusted to a Committee to inspect and report upon. An address pursuant to the presenting of His Excellency with £800 towards the building and repairs of his habitation was drawn up.

Jan. 25. Thomas Harrison begged the pardon of the House for his contempt of non-appearance and was forgiven. A Bill, entitled, an Act for laying out and enlarging a Common Rhoad through the land of Mr. Richard Bate, Mr. Edmund Wheeler, Mr. Henry Gibbs and Mr. Daniell Clancey, was sent down from the Governor and Council through Thomas Edwards, Deputy Provost Marshall, for assent. It was resolved that the lands taken for the road should be paid for out of the public Treasury, but this resolution was revoked, and a new Bill prepared and passed.

The Treasurer, the Hon. Thomas Sadleir, signified that there were many servants imported lately which cannot readily be placed, the muster rolls being nearly full. It was resolved that such servants should be furnished with provisions by the Treasurer at the public expense. A Declarative Bill to the Supplemental Bill for the provision of servants was passed. Mr. Middleton's private Bill was passed. The Bill for the further provision for placing of servants was referred to Col. Cleland. [*Board of Trade.* Barbados, 65. *pp.* 329–335.]

Jan. 25. **54**. Minutes of Council of Barbados. Petition of Mrs. Buttler Chamberlain was read and reserved for consideration. Capt. John

Walter was appointed assistant to Judge Hooker in place of Col. Philips. The Bill for laying out a common road through private grounds was passed and consented to by His Excellency. A draw-back—John and William Roberts' petition—was allowed. Alexander Forester's petition referred to the Assembly. Mr. Edwards was sworn Deputy-Serjeant at Arms. A petition of Robert Moor for allowance for an executed negro was past. The Assembly requested His Excellency in Council to issue his proclamation against fore-stalling and lawyers demanding unreasonable fees, and presented a Declaration Act for provision of servants, a resolution about the providing for servants, a Bill for laying out and enlarging a Common Road, an Act for settling an estate in fee simple in Charles Middleton, gent. The first, second and fourth were read once and ordered a second reading. [*Board of Trade.* Barbados, 65. *pp.* 386, 387.]

Jan. 26. **55.** Journal of Council of Trade and Plantations. Secretary ordered to write to Sir Gabriel Roberts, Deputy Governor of the Turkey Company, to enquire what number of clothes were exported by that Company in 1670, 1675, 1680, 1685, and 1690, and to Mr. Lowndes to desire the Lords Commissioners of the Treasury to give directions to the Commissioners of Customs for an account of merchandize exported and imported at the Port of London for some late years to be sent to the Board for his Majesty's service upon daily occasions. Reply to first.

Addresses in favour of Col. Fletcher, signed by the Rector, churchwardens and vestrymen of Trinity Church in New York and by the Minister and Elders of the French refugees read and returned to him.

Letters ordered to be prepared to transmit the Instructions about Trade to the several Governors of Plantations. Letter to the Postmaster of Deal ordered, bidding him send his Downs Lists and take care to send forwards the packets sent him by this Board, and promising him the same allowance as formerly.

Extract of Mr. Stoughton's letter, Jan. 25, 1698, relating to prizes, ordered to be sent to Mr. Lowndes, with desire to know what answer the Lords of the Treasury think fit should be made.

Jan. 27. Five pounds paid to four extraordinary copying clerks.

Petition of John Lucas of Antigua read and himself heard.

Mr. Hutcheson, agent for Col. Codrington, deceased, ordered to attend on Thursday next. [*Board of Trade.* Journal, 11. *pp.* 373-376; *and* 96. *Nos.* 18 and 19; *and* Trade Papers, 14. *pp.* 165-167.]

Jan. 26-28.
St. John's. **56.** Minutes of Council and Assembly of Antigua. The Representatives in the new Assembly:—

Justices.		Division.
John Fry	Capt. John Roe Capt. Peter Lee	For Old Road and Bermudiem Valley.
Edward Byam	Wm. Thomas Capt. Nath. Crump	Old North Sound.
Edward Byam	John Paynter Capt. John Lyons	New North Sound.
Phile. Bird	Capt. Geo. Gamble Nath. Sampson	St. John's Town.

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Justices.		Division.
Phile. Bird -	Mr. Richard Oliver - Capt. John Weir -	St. John's.
Saml. Martin -	Capt. Robert Martin	Five Islands.
Peter Lee -	Saml. Walkins - Francis Rogers -	Pope's Head and Dickison's Bay.
John Tankerd	Capt. John Kerr - Abraham Swan -	Belfast.
John Tankerd	Robert Freeman - Keane Osborne -	Falmouth and Randevous Bay.
Henry Lyons -	Capt. Henry Lyons - William Lavington -	Willoughby Bay.
Henry Lyons -	Capt. Stephen Duer Capt. Wm. Prear -	Nonsuch.

were presented to the Deputy Governor and Council, and elected Capt. Geo. Gamble their Speaker.

The Deputy Governor and Council recommended to the Assembly the letter of the Lords Justices concerning Col. Collingwood's new regiment and suggested a small Act for quartering them. The Assembly replied that they proposed that the soldiers should be quartered as usual for six months as to the satisfaction to be made to the inhabitants, and in return be obliged to guard the island. No women belonging either to officers or sentinels to be quartered at the country's charge. In return, also, fourpence a day to be paid to the agents at home out of each sentinel's subsistence. The Council replied that the reason given for not treating the new regiment so generously as the former one, Col. Holt's, viz.: that the money voted "centerd in the King's coffers or in the hands of some about him" and did not benefit the poor soldier, was wholly contrary to His Majesty's intentions. Let an Act be speedily drawn up that the men may be disposed of and not lie in town and get distemper. The Assembly resented the pressure put upon them which, they maintained, was merely a device to curry favour; they asserted that free quarters were an abomination to the King and contrary to the fundamental liberties of the people, and sent a rough draft of an Act for billeting the three companies of Col. Collingwood's regiment which had arrived, with which the Council concurred. The Assembly expressed their surprise and indignation that the President and Council of Nevis had refused to affix the public seal to the Act for encouraging aliens, they proposed to send it home without seal, but the Council suggested that it would save time in procuring the royal assent, if they first found out the reason of the seal being refused. The Deputy Governor was asked by the Assembly to serve as Chief Justice for the year on the consideration of 200*l.*, and accepted. The Council repeated that free quarters for six months to the three companies of soldiers was absolutely necessary. [*Board of Trade.* Leeward Islands, 64. *pp.* 291-298.]

Jan. 27.
Nevis.

57. Letter from Col. Francis Collingwood. We arrived without a single sick man in the regiment. I pray you to get me a commission for a gentleman who is comed alonges with me and a man who deserves very well, his name is Mr. John Daney. *Signed*, Fr. Collingwood. 2 *pp.* [*Board of Trade.* Leeward Islands, 6. *No.* 20A.]

Jan. 29. Maryland. **58.** Governor Blakiston to Council of Trade and Plantations. The day of my arrival, five weeks ago, there was orders sent out for a meeting of Council. I was ashore ten days before I could either have my commission read or published, for want of a due number of the Council, and with much difficulty five were assembled, but the reason of not having more, and their not meeting sooner was occasioned by the obstruction of the rivers being froase up that it is hardly accessable from one county to another, and the settlements from each other at a considerable distance. Upon reading and proclaiming my commission I performed the first part of my instructions by administering the oaths appointed and the association, etc., but it is not possible, according to my orders upon my first arrival, to tender it to all those in places of trust, for to send orders to some places in this province it may not be effected this six weeks as I am informed, but there shall be no time omitted on my part. I send a copy of the Journal of what past in the Council upon my arrival. I found an Assembly here on foot, and that they were prorogued till June 28 by Col. Nicholson. I acquainted the gentlemen of the Council with some part of my instructions, amongst which I had orders to convene an Assembly in some convenient time. I enclose the reasons the Council assigned that it was not for His Majesty's interest nor consistent with the advantage of this Province, for that some laws which are temporary fall upon the dissolution of this Assembly, particularly that of the impost upon liquors, which is, they say, of a considerable emolument to the public. I hope what few steps I have made as yet will meet with your Lordships' approbation, I being altogether a stranger to this province, I thought I could not act with more safety for His Majesty's interest, than to concur with those gentlemen whose long experience and I hope their good inclination for His Majesty's service will always advise the best. I had the good fortune to meet Col. Nicholson here upon my arrival, who had upwards of four years' experience in this government, and desired he would be present when the Council met, and in my poor opinion I thought it not a fault, since the King had been pleased to distinguish him with such a mark of his royal favour to promote him to the Government of Virginia, that he was every way gratified to assist me, for my information, he having had a long experience here. I hope your Lordships will not impute it to any neglect of mine, or think it long, if I am tarde in giving so immediate an account of the proceedings of the country, for the General Assembly are not to meet till June 28, but I hope when they are assembled I shall find them ready and willing to promote His Majesty's interest. I am not able as yet to give any account of how this province is supplied with ammunition and arms, by reason of the season of the year, but by what little information I can gather they are in no great want.

I am informed the crops of tobacco last year is very short to what was expected and that the ships that are now here will fall short, it's thought, of being full freighted. *Signed*, N. Blakiston. *Endorsed*, Recd. Read April 21. 3 *pp.* [*Board of Trade.* Maryland, 3. *No.* 68; *and* 9. *pp.* 371-374.]

Jan. 30.
Fort William Henry.
59. Minutes of Council of New York. Hendrick Hanson and Johannes Bleeker were granted a pass to Canada to trade with the Indians. Accounts of Col. Schuyler and Mr. Dellius, envoys to Canada, referred to a Committee. [*Board of Trade.* New York, 72. *p.* 185.]

Jan. 31.
60. Journal of Council of Trade and Plantations. Col. Fletcher's case considered and directions for a report theron given. [*Board of Trade.* Journal, 11. *p.* 377; *and* 96. *No.* 20.]

Feb. 1.
61. Minutes of Council of Barbados. Mrs. Mary Cooper's petition for two years' arrears was read. She was ordered £100 for her present occasions. Lattimer Richards was allowed £4 1*s.* 11½*d.* on his account. The Bill for the Provision of Servants was passed. The proposals of Magnus Popples about building a mould (*mole*?) were laid before the Board. He was ordered to attend next Council day. The Assembly's Bill about the Common Road was rejected "for that this house hath already sent down a Bill from hence to the Assembly for the same purpose." The Assembly sent the Bill back with amendments, to which the Council agreed and the Bill was read accordingly. [*Board of Trade.* Barbados, 65. *pp.* 387–388.]

Feb. 1.
62. Journal of Assembly of Barbados. Presentments of the Grand Jury ordered to be read and laid up among the Assembly Papers. An answer to the Refiners was read and laid by for consideration. The Bill to enlarge a Common Road was sent down from the Council and passed. A Bill for the provision or placing of servants was read and debated. It was decided that white servants should not be placed on owners of personal estates but keepers of public houses should be charged with one each, owners of sloops and shallops two each, owners of houses of £30 rent, one each. George Peers, William Wheeler and Robert Harrison withdrew themselves from the house without leave, whereby the business under consideration was impeded, there being only fourteen members present. [*Board of Trade.* Barbados, 65. *pp.* 335-337.]

Feb. 2.
63. Journal of Council of Trade and Plantations. Letter to Mr. Secretary Vernon ordered, to acquaint him with the contents of a letter from Mr. Parker, Consul at the Groyne, relating to the woollen manufacture at Sada. Account of the exportation of cloth by the Turkey Company for several years communicated.

Letter from Mr. Burchet, Secretary of the Admiralty, enclosing copy of letter from Mr. Bridges to the Commissioners of the Navy (Boston, Nov. 16) relating to the production of naval stores there, read.

Letters to the Governors of Barbados, Jamaica, New York, St. Christopher's, signed.

Copy of the establishment of the two companies sent to the Leeward Islands in King Charles II.'s time ordered to be given to Mrs. Hill, widow of Col. Hill, deceased,

1699.

Order of Council of Nov. 24, approving several Acts of the Massachusetts Bay, read.

Mr. Brenton was desired to attend to-morrow upon the matter of a commission of enquiry and instructions to be sent to Lord Bellomont with relation to Rhode Island.

Representation ordered to be drawn upon the memorial of Sir Bartholomew Gracedieu and Mr. Gilbert Heathcote relating to Jamaica.

Letter to Sir Charles Hedges ordered, asking his opinion whether the pretensions of the English for damage done them by the French upon the island of St. Christopher's, contrary to the Treaty of Breda, which continued undecided till the outbreak of the late war, remain in force or are set aside by the Treaty of Ryswick.

Feb. 3. Mr. Brenton was desired to draw up a memorial of what he thought most proper with relation to enquiries to be made into irregularities of Government of Rhode Island.

Letter to Lord Bellomont signed, together with letters to the Governments of Connecticut and Rhode Island relating to H.M. Instructions about the Acts of Trade, to be enclosed. Secretary ordered to enclose the same instructions to Mr. Penn for the Government of Pennsylvania and to Mr. Thornburgh for the Lords Proprietors of Carolina and the Bahama Islands.

Mr. Attorney General's opinion about the query lately sent him relating to Mr. Hamilton, a Scotchman, propounded to be Governor of the Jerseys, read.

Mr. Kick referred to H.M. Customs.

Mr. Lucas stated that he had desired the Lord Lucas to speak to Col. Codrington about composing the differences between them.

Letter from Mr. Burchett enclosing copy of letter from Capt. Norris with several papers relating to Newfoundland read.

Letter to Mr. Vernon about woollen manufacture at Sada signed. [*Board of Trade.* Journal, 11. *pp.* 377-382; *and* 96. *Nos.* 21 *and* 22; *and* Trade Papers, 14. *pp.* 168-169.]

Feb. 2. **64.** William Popple to Sir Charles Hedges. The Council of Trade and Plantations noticing that several of His Majesty's subjects had very considerable pretensions against the subjects of France for damages suffered from them in the island of St. Christopher's, contrary to the Treaty of Breda, which continued undecided till the time of the late war, desire your opinion whether those pretensions do yet continue in force or are set aside by the Treaty of Ryswick. [*Board of Trade.* Leeward Islands, 45. *p.* 324.]

Feb. 2. Whitehall. **65.** Council of Trade and Plantations to James Norton, L.G. of St. Christopher's. The French Ambassador has laid before His Majesty a memorial wherein he complains of the spoils committed by the English upon the French part of St. Christopher's. We are not yet furnished with any authentic account of what has been done, and desire you to inform us, and withal, if any such spoils have been committed, to acquaint us fully with the grounds and reasons thereof. *Signed,* Your very loving friends, J. Bridgewater, Ph. Meadows, Wm. Blathwayt, Jno. Pollexfen, Abr. Hill. *Endorsed,* Sent to the Postmaster at Deal, and by him delivered to John Neads, Master of the *Europe.* [*Board of Trade.* Leeward Islands, 45. *pp.* 323, 324.]

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Feb. 2.
Whitehall.

66. Council of Trade and Plantations to the Earl of Bellomont. On the occasion of hearing Col. Fletcher's business, several merchants and others concerned in the Province of New York, have expressed to us their fears lest the changes you have introduced and the favour you have shown to Leisler's party should lead to disorder, and a policy of retaliation by that party, if triumphant at the elections, aiming at reparations for damages suffered in the time of the disorders of that province upon occasion of the late happy Revolution, to the great hazard of their effects there. They dare not, they say, send any goods therefore to New York, but like many of the inhabitants are only anxious to withdraw. Till we can give you a full account of what shall be determined by His Majesty upon your several letters we can only advise that no Act of Assembly be passed by your Lordship's consent whereby any retrospect be had to the quarrels between any parties during the forementioned disorders or for the reparation of damages then suffered on either side without His Majesty's express pleasure first had therein. *Signed*, J. Bridgewater, Ph. Meadows, Wm. Blathwayt, Jno. Pollexfen, Abr. Hill. [*Board of Trade.* New York, 53. *pp.* 254, 255; *and* 44A. *No.* 27 (*rough draft*).]

Feb. 2.
Whitehall.

67. Council of Trade and Plantations to Governor Sir Wm. Beeston. We send you His Majesty's instructions relating particularly to the observation of the Acts of Trade with copies of Acts therein mentioned. *Signed*, J. Bridgewater, Phil. Meadows, Wm. Blathwayt, Jno. Pollexfen, Abr. Hill. *Endorsed*, Sent to the Postmaster of Deal, and by him delivered to Tho. Liell, Master of the ship *Catherine*. [*Board of Trade.* Jamaica, 56. *pp.* 245-247.]

Feb. 2.
Whitehall.

68. Council of Trade and Plantations to Governor Grey. We received your letter of Oct. 23 about a month ago and have nothing particular to answer, except to wish you health and prosperity in your new Government. We transmit instructions from His Majesty relating particularly to the observation of Acts of Trade in the island of Barbados, and the like whereof, *mutatis mutandis*, have been sent to the Commanders-in-Chief of His Majesty's other plantations in America. You will observe in the beginning of these instructions an enumeration of several Acts said to be therewith transmitted to you which we therefore accordingly send. *Signed*, J. Bridgewater, Philip Meadows, William Blathwayt, John Pollexfen, Abraham Hill. [*Board of Trade.* Barbados, 44. *pp.* 238-240.]

Feb. 2.

69. Agents of Jamaica to the King. We pray that patents for the great offices be not granted except to those willing to reside on the island and personally to execute them. Otherwise, their substitutes are forced to extortion. The island since the late war has lost above half its people, by the earthquake, invasion of the French and irregular impressing by the men-of-war. To repeople it we propose the sending over of 200 soldiers, if possible tradesmen, to be in pay and duty there, with directions that when any of them are ready to employ themselves either in planting or trades they shall on application be discharged without fee, but obliged to do their duty as soldiers whenever His Majesty's service requires it.

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Recruits should be sent out at Christmas, the most healthy season, and two men-of-war, a fifth and sixth-rate, sent out annually at Christmas to guard the island. No man-of-war should carry off any indebted inhabitant without his having his ticket, according to the law of the country observed by merchant ships. *Signed*, Bartho. Gracedieu, Gilbert Heathcote. *Endorsed*, Recd. Read Feb. 2, 169$\frac{8}{9}$. [*Board of Trade.* Jamaica, 8. *No.* 106; *and* 56. *pp.* 247-250.]

Feb. 2. Boston. **70.** Minutes of Council of Massachusetts. £15 ordered to be paid James Meers, taverner, of Boston, for a public dinner for the L.G., Council and other gentlemen upon the day of convening the General Assembly. [*Board of Trade.* New England, 49. *p.* 190.]

Feb. 2. **71.** Attorney General to Mr. Popple. In reply to your letter of Jan. 17, I am of opinion that a Scotchman born is by law capable of being appointed Governor of any of the Plantations, he being a natural-born subject of England in judgment and construction of law, as much as if he had been born in England. *Signed*, Tho. Trevor. *Endorsed*, Recd. Read Feb. 13, 1698-9. [*Board of Trade.* Proprieties, 2. *No.* 45; *and* 25. *p.* 304.]

Feb. 3. Barbados. **72.** Governor Grey to Mr. Secretary Vernon. I received yours of the 23rd of November in relation to the apprehending your notorious pirate Kidd. He has not been heard of in these seas of late, nor do I believe he will think it safe to venture himself here, where his villanies are so well known; but if he does, all the diligence and application to find him out and seize him shall be used on my part that can be, with the assistance of a heavy crazy vessel, miscalled a cruiser, that is ordered to attend upon me. And here I must take the opportunity of letting you know, and hope you will be so kind as to acquaint the King with it, how poorly we are provided against any pirates that should infest these seas, and without there be two men-of-war, one of 50 guns and a good sailer, to stand after them in case they should molest the trade here, which is too considerable to England to be neglected, and another of 20 or 25 guns to secure the ships coming in and going out, I don't see how we can annoy them, though they may make us very uneasy; which considerations I hope will be of some weight with his Majesty. I have lately received a letter from my Lord Bellomont, to desire a convoy for some small vessels to Saltatudos in their way home to New England, but cannot, for the reasons above given, comply with his request. Rear-Admiral Bembow called here about three weeks ago and stayed in the road three days, till one of his squadron, who was left behind, joined him, and then made the best of his way for the Leeward Islands, with Collingwood's Regiment on board him, from whence I hear the French talked big and made high demands upon their resettling St. Christopher's, but upon the sight of an English flag, they began to change their language. *Copy. Dated*, Feb. 3, 169$\frac{8}{9}$. *Endorsed*, Recd. 3rd April, Read 18th April, 1699. 2 *pp.* [*Board of Trade.* Barbados, 7. *No.* 75; *and* 44. *pp.* 247, 248.]

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Feb. 3.
Whitehall.

73. Council of Trade and Plantations to Governor the Earl of Bellomont. This letter relates chiefly to the government of the Massachusetts Bay. We have received several letters from Mr. Stoughton. We enclose two orders of the Lords Justices (Nov. 24, 1698), one of them confirming the greater part of the Acts of General Assemblies, Feb. 1694-Oct. 1697; the other for the repeal of some. Amongst the Acts repealed you will find that *for incorporating Harvard College at Cambridge in New England.* We are particularly directed to signify the reason why that Act has been repealed, and desire you to inform the Council and General Assembly that it is because an Act formerly passed in that Province to the same purpose having, upon report of the Lords of the late Committee for Trade and Plantations, been repealed and the reason signified to the L.G. and Council of the Province (viz. Because no power was therein reserved to His Majesty to appoint visitors for the better regulating of the College, with further intimation that the General Assembly might renew the same Act with a power of visitation reserved to His Majesty and the Governor or Commander in Chief of that Province) yet in the passing of this late Act that direction has not been observed, but the power of visitation is placed only in H.M. Governor or Commander in Chief together with the Council of that Province for the time being, which is very different from what was proposed. The Supplemental Act and that for Reviving and establishing Judicatories have been repealed because they revive or supplement a former Act which has already been repealed. The Act obliging strangers to give security on commencing suit has been judged to be too partially favourable to the inhabitants of that Province and injurious to all strangers that have any dealings with them. The Act for continuing certain Acts is repealed because it continues and reinforces an Act encouraging a Post Office, which was before repealed. The Act for the establishing of Courts, providing amongst other things that all matters and issues in fact shall be tried by a jury of twelve men, has been judged directly contrary to the intention of the Act of Parliament for preventing frauds and regulating abuses in the Plantation Trade, by which it is provided that all causes relating to the breach of the Acts of Trade may at the pleasure of the Officer or Informer be tried in the Court of Admiralty to be held in any of His Majesty's Plantations respectively, in which Courts the method of trial is not by juries of twelve men. We add that it is necessary your Lordship take especial care that the intent of the aforementioned Act be duly complied with in that Province. With regard to the Acts in general, the practice of joining together diverse Acts or clauses upon different subjects under the same title is a great irregularity and in some occasions may tend to the prejudice of the Province, as in the Supplemental Act, some of the additions in which might have been approved if they had been separately enacted. This is what the Governor and Council of that Province have formerly been particularly blamed for and directed to reform.

There is another undue practice grown also now too common in the Assemblies of the Massachusetts Bay, which is the making of several laws temporary and renewing them from time to time, whereas they ought either to be made indefinite, if they are good, or, if otherwise, not made at all. This practice having grown to a great abuse in some other Colonies, His Majesty has thereupon given to the Governors of such Colonies where it was judged necessary the following instructions, viz.: That all laws whatsoever for the good government and support of the said Colony be made indefinite and without limitation of time, except the same be for a temporary end and which shall expire and have its effect within a certain time, and therefore you shall not enact any law which shall have been once enacted by you except upon very urgent occasions, but in no cases more than once without His Majesty's express consent. And as we observe the same method to grow too much in use in the Province of the Massachusetts Bay, we cannot but recommend the observation of the foregoing instruction to your Lordship. We desire to be informed of the success of the Act for the encouraging of making salt within the Province. It has been represented to us as a discouragement to any persons from troubling themselves about the seizure of pirates' goods in that Province, that the share of those who make such seizures is not there fixed by law, but left to be as usual, which makes it very uncertain and precarious. If that be so, we think it deserves your Lordship's care to get some more effectual provision made by ascertaining a considerable share of recompense to those who shall do any such services. We write the more doubtfully in this matter because we have not any complete collection of the laws of that province, and desire you to give directions that such a collection be sent to us and that in transmitting all future Acts of General Assemblies there be at least three or four copies thereof sent us by different conveyances. In perusing the Journal of the Assembly (1696) we observe mention made of a Bill passed relating to one Lydia Moor which we have not found amongst the Acts transmitted to us. We desire your Lordship to enquire into the matter. In answer to Mr. Stoughton's letter of Oct. 24 about the encroachments of the French either upon the territories of that province by land or the English rights of fishery by sea, we are thoroughly sensible of the great prejudice that would arise to England by allowing the French in either of those pretentions and have therefore already laid the same before His Majesty, and shall add whatever further we conceive may be most effectual for maintaining our right and preventing so great a mischief, when any treaty about things of that nature shall be entered upon with the French Commissioners, who are now arrived here for that purpose. Mr. Stoughton's enquiry about His Majesty's share of prizes we have referred to the Lords Commissioners of the Treasury. We enclose letters to the Government of Connecticut and the Government of Rhode Island. We expect to hear of your arrival in New England. There is no dependance upon the frigate you desired for your transportation, in spite of our application. *Signed,* J. Bridgewater, Ph. Meadows, Wm. Blathwayt, Jno. Pollexfen, Abr. Hill. [*Board of Trade.* New England, 37. *pp.* 124-131.]

Feb. 4. **74.** President and Council of Nevis to Council of Trade and Plantations. On Jan. 12 arrived Admiral Bembo with Col. Collingwood and his regiment together with Commissary Taylder.

The soldiers are well taken care of in the several islands of this Government in proportion with due regard to St. Christopher's. The Marquis D'Amblimont with three ships of war, one hired ship and several small vessels passed by on Jan. 11 to possess themselves of the French part of St. Christopher's, where were ready to attend the delivery thereof the Commissioners appointed by the late Governor Codrington. On the 12th the Marquis and French Intendant were permitted ashore, to treat with our Commission and particularly insisted, as directed by the French King's Commission, to have all the French estates that were in the English part of that island restored them, but being refused as persons who had forfeited their allegiance to His Majesty by adhering to the French, they accepted the island without persisting in their claim, saying they would acquaint the King their master with our refusal. Our Commission demanded the liberty of gathering salt, as hath been formerly accustomed and particularly commended in His Majesty's instructions, and offered them the liberty of filling water at our rivers in the Old Road. They refused to settle that matter till others were agreed to when they had possession. The island was surrendered up to the Marquis D'Amblimont, Jan. 13, and gave a discharge for the same, which with His Majesty's warrant for its delivery and the commission by which Col. Codrington appointed Commissioners to execute the same, are enclosed. Since taking possession the French have sent in their demands to Col. Norton, Lt. Governor. Copies enclosed of these and their letter to us, and demands against this Government upon our demanding 21 negroes belonging to Col. Codrington and Col. John Hamilton of Antigua, which run to them from Antigua since the conclusion of the peace. Our Commissioners appointed for the delivery of the French Island, not being further empowered to act than the surrendering up of the island, (and) we daily fear that this practice of running away of our French negroes taken in the late war, (which) if special care be not taken, will prove of very pernicious consequence to many of His Majesty's subjects, and we pray your Lordships' attention to prevent this growing evil. A person, who hath made it some part of his care to inform himself of the present and past circumstances of the Island of St. Christopher's, having seen the Marquis D'Amblimont and the inhabitants' demands since their possession of the Island, having offered to us some reasons by way of answer to said demands, and which we acknowledge in the main to be true and consonant to His Majesty's interest, [*we*] do presume to send them your Lordships, that if His Majesty should be pleased to send his command to treat with the French Government in order to preserve a good correspondence between the subjects of both nations on that island, your Lordships may please to have regard to such parts herein as in your wisdom you shall think proper. Information being brought before us that Mr. Cressy, a young man that came hither in the service of Sir William Stapleton, Bart., and is now married here, was suspected of being concerned in the late plot for assassinating His Sacred Majesty, we have caused him to be secured till he give £1,000 security to appear till His Majesty's pleasure shall be known. A better state of the matter nor a truer we cannot give than by sending the enclosed depositions. He informs us that he was a servant to Col. Winthrington who lived in Somerset House. On Sept. 10th two sloops, called the *Adventures*, going hence to Crabb Island, the leeward-most Island of this Government, there to winter out of danger of hurricanes and then to return hither with turtle they catch there, were surprised in an evening and taken by two small half galleys from Porto Rico which came armed and took them in the night and thence carried them to the adjoining island of St. John and Porto Rico under the Government of Spain, where the men are kept prisoners to the great terror of His Majesty's seafaring subjects of these colonies. The merchants' loss is valued at £1,000 and they petition us for reparation, which is not in our power without special instructions. *Signed*, William Burt, H. Holt, Walter Symonds, Dan. Smith, John Smargin, Rich. Abbot. Sent by Capt. Gardiner. *Endorsed*, Recd. Read March 20, $169\frac{8}{9}$. 3 *pp.* *Enclosed*,

74. I. Copy of His Majesty's Commission to Col. Codrington for the delivery of the French part of St. Christopher's. Jan. 3, $169\frac{7}{8}$. *On back*,

74. II. Copy of the Marquis D'Amblimont's receipt for the French part of St. Christopher's. *French*. Jan. 23, 1699. *Stuck on*,

74. III. *Endorsement and receipt of above*. *Signed*, John Ellis. March 24, $169\frac{8}{9}$. *The whole endorsed*, Recd. March 20, $169\frac{8}{9}$.

74. IV. Governor Codrington's Commission to Hon. James Norton, Hon. William Mead, Joseph Crisp, Hon. Col. Rowland Williams, Richard Abbott, Col. Anthony Hodges, for delivering the French part of St. Christopher's. July 5, 1698. *Copy*. 3 *pp.* *Endorsed*, March 20, $169\frac{8}{9}$.

74. V. Demands of the Marquis D'Amblimont, Governor and Commander in Chief, and Mons. François Robert, Intendant, made to the English Commissioners after the restitution of the French part of St. Christopher's. Jan. 26, 1699.

Article (1) The old bounds between the French and English, as they were before the French part of the island was taken in 1690, to be restored. (2) Commissioners to be appointed for this purpose, (3) and to restore all the French cannon taken by the English in St. Christopher's, (4) and to restore their property to all the French who have estates in the English part, (5) and to make reparation for damage done to French property since the signing of the Peace. (6) All free negroes and mulattoes who lived among the French before the war and have since been taken by the English at St. Christopher's, Martinique and Guadeloupe to be immediately restored, (7) and slaves to be permitted to return to their French masters. (8) That all Treaties and Articles formerly agreed between French and English Governors of the Island, especially those between Mons. Bailly de Poincy and

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Col. Wernard (Warner) in 1655, and Monsr. De Baas and Sir Francis Wheeler, Dec. 1671, be punctually observed. (9) Since the French have always had a right to half of the sulpher mines, they may now enjoy the same according to the treaty of 1655. The roads in the English part to be free for the French to travel in as they please. The fort built on Brimston Hill, which since the peace belongs equally to the French and English, to be immediately demolished. The English to have the same liberty and the same use of the French roads to go to the salt ponds. (10) That the French shall have liberty to water in the English rivers, according to the ordinary custom of the sea. (11) That all injuries shall be forgotten and that both sides shall endeavour to live well and peaceably together, and be forbidden to abuse or injure each other. *Copy. French.* 6 *pp.*

74. vi. List of cannons that were in the French part of St. Christopher's before the war. Total 77. *Copy. French.* 1 *p.*

74. vii. Letter of the Marquis D'Amblimont and Monsr. Robert to the English Commissioners, with their demands. After establishing the French Colony our first care is to renew civilities with you and to restore good relations between the two nations in the island. To this end we send our demands and propositions in writing, to which we beg your reply article by article. Jan. 26, 1699. *Signed,* Le Marquis Damblimont, Robert. 2 *pp. French. The whole endorsed,* Recd. March 20, Read March 21, 169$\frac{8}{9}$.

74. viii. Memorial in answer to the French demands. The first two articles may be easily granted. As to the giving up of the cannon, it is not said by the seventh article of the Peace that with forts we are to deliver up cannon, as in the other treaties with the German princes and others. Besides the cannon were our plunder. I wonder the French do not send to St. Eustatia under the Dutch Government to demand the guns they mounted there, since they presume to demand back even the guns they mounted themselves in our fort! Many of the cannon have been taken off by privateers. (4) The French owners of estates in the English part who stayed and kept their allegiance are now in quiet possession of their rights, or so much of them as their rebel countrymen left them after burning and destroying their houses, carrying away their negroes and making a prey of their cattle. The very Frenchmen whose estate they now demand were particularly instrumental in aiding them in spite of their allegiance and were not the modestest enemy, one of them, one Curran, was so ill a fellow as to join with a parcel of savage negroes and malatos, contrary to all the laws of arms, and murdered sixteen of our men in cold blood in burning

them alive in Monsr. Jaffair's house. Whether this or any of them that have been such enemies to the English Crown ought to be restored, I leave to all Englishmen to judge. (5) I cannot consider we ought either to rebuild or make reparation for pulling down the houses in Bastarr (Basseterre) left by us in the French quarter during the war merely to shelter our own people. In the late and former war the French destroyed every house and church the English had in their part, and these houses being portable and our property it was not unlawful, I consider, to remove them at any time before the French made their demands of that part of the island. I believe (6) but reasonable when they have restored all such negro slaves as is run from the English and come to their possession since the war, which are much more in number than all the free negroes and malattos I know of in all or any of the Islands, and this leads me to article (7) in which they shew the assurance peculiarly inherent in the French nation in demanding a restoration of the French slaves taken in the late war, which have been sold into a thousand hands as the reward of those good subjects as hazarded their lives in reducing the Island. For this demand they have not the least colour of pretence and (*it*) only serves to mind them how unjust they were to us after the Peace of Breda, whereby it was pertinently provided that whatever slaves had been taken from the English of these islands, St. Christopher's, Antigua, Montserrat, should have six months' time to return to their masters, yet of many hundred negroes taken from His Majesty's subjects not one negro was ever returned but most industriously and clandestinely kept out of the way. (8) As by the Treaty of Ryswick we are put on equal terms with the French here, it is not for the honour of His Majesty or his subjects' interest to regard old treaties made by former Governors beyond giving directions to Commissioners to inspect them and agree to such parts as may truly appear for the honour and safety of His Majesty's interest now. (9) The full moiety of the sulphur mines or Brimston Hill the French say they have by virtue of a treaty in 1655 is no such thing; they only had the concession by some former Governor, when it may be necessity compelled him to it, to come by sea and land at the foot of Brimston Hill and carry away limestone, which they were after hindered from for some years before the outbreak of the last war. No Governor could give away to a foreign prince the King's right of any lands without the King's warrant, and if they have that let them produce it. The reason why they advance this claim is really that, this being the only hill situate so near our own great fort, without securing it by the

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fortress we have built, we could not secure our great fort, and which would in a manner be useless without the assistance and defence of this hill, which is not only made inaccessible by guns mounted in the fort built on the top of it, but there are cisterns to hold water and the hill is planted with Indian provision fit to maintain a sufficient number of men to keep it six months and commands all the ground about it. It was the hill on which we planted six pieces of cannon and beat the French, as soon as we did, into a surrender when they were last masters of our great fort. As to the liberty of limestone I consider it noways fit to grant it to them, for they have brought engines and workmen to build them forts with the object of annoying us when time shall serve. It is not common prudence in us to put the rod in their hands, which is to give them time to build their forts, instead of debarring them and making them bring it at a vast charge and expense of time from St. Martin's or St. Bartholomew's. All they offer or have to give us, which in justice is our right, is the liberty of bringing salt from the salt-ponds, from which if they debar us we will hinder them from water, which to them is ten times the conveniency the salt is to us, for in peace we have so many salt islands near that salt is seldom dearer than 18*d.* a bushel. The French ships now here daily beg water from us, and if we refused, the men-of-war would have to move. Feb. 1, 169$\frac{8}{9}$. *Not signed.* 4 *closely written pages.* *Endorsed*, Recd. Read March 20, 169$\frac{8}{9}$.

74. IX. Marquis D'Amblimont to Governor Norton. I have received your letter from the hands of Col. Hamilton and should be delighted to be of service to him as a meritorious gentleman who bears a distinguished name. The enclosed memorial will show you what we are disposed to do as regards his affairs and Capt. Perry's. Some French negroes of Guadeloupe recently escaped to Antigua and I demand their restitution, as also of several free negroes taken from Guadeloupe during the war. I enclose a list of their names. You are aware that it is part of the Law of Nations that free negroes in any country must not be sold but enjoy the same prerogatives as men born free, so I hope you will find no obstacle to prevent you from giving up those I demand and from fulfilling towards them this office of justice, charity and humanity.

I also demand the restitution of a French barque belonging to M. de Bellairs, Governor of Granada, which was taken by a privateer from Antigua after the expiration of the term agreed upon at Ryswick. As all the English ships taken since that date have been restored I hope you will treat the French with the same justice and save me from having to write to the King, my master, on the subject. *Signed*, Le Marquis D'Amblimont. Feb. 5, 1699. *Copy. French.* 2 *pp.* *Endorsed*, Recd. March 7. Read July 7, 1699. *Enclosed*,

74. x. List of free negroes and slaves carried off from Guadeloupe by privateers from Antigua Oct. 27, 1696, and sold for slaves. Women and children, some branded. 1 *large page. French. Enclosed,*

74. xi. Marquis D'Amblimont and François Robert. Reply to the memorial of Col. Hamilton (Coronel Amelton) and Capt. Perry (Perré) praying for the restitution of some negroes belonging to the French before the war and taken afterwards by the English, who have escaped from Antigua to Guadeloupe. According to our instructions and the Treaty of Ryswick all slaves belonging to the French before the war and taken by the English, when they got possession of the French part of St. Kitt's, should be allowed to return to their former masters. In case the Commissioners refuse to agree to this the matter will have to be referred home, and in the meantime we cannot give up the slaves who have risked their lives to return to their masters in accordance with the liberty secured to them by the Treaty. In the second place, there is no treaty or convocation between the French and English in these islands in which it is provided that negroes escaping from an island belonging to the one nation to an island belonging to the other must be restored. Even in time of peace the Sieur Hinselin, Governor of Guadeloupe, and Madame Lacourville could not obtain restitution of runaway negroes who had fled to English territory. The negroes who have returned to their French masters have been baptised and received into the Roman Catholic Church: if they were restored, they would be deprived of those opportunities of practising their religion, to secure which was, perhaps, the main object of the risks they ran. We are willing to refer this question like those which have arisen about the French part of St. Christopher's to their Majesties the Kings of France and of England, and as a proof of our goodwill, we will even ask them to make a law dealing with the case of runaway slaves. St. Christopher's, Feb. 5, 1699. *Copy. French.* 3 *large pp.*

74. xii. Deposition of John Cohen. Mr. Thomas Cressey at Sir William Stapleton's house told him of the plot (to assassinate the King) and said they were all put to death, save one. Sworn before the Council, Dec. 20, 1698. *Signed,* John Cohen, His Mark, and Wm. Burt, President of the Council.

74. xiii. Deposition of Christopher Stadout or Stodartt to the same effect.

74. xiv. Deposition of John Nicholls to the same effect.

74. xv. Deposition of William Fenton, Jr., to the same effect, but deponent believes Cressey "did detest and abhor that bloody and villainous conspiracy."

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74. xvi. Deposition of Major William Butler, Mrs. Sarah Butler and Mary Green as to the report made to them by Mr. James Burtell, charging Cressey with having being an ill man and saying that the reason he was here was that a warrant was out against him for being concerned in the conspiracy against the King.

74. xvii. Deposition of Thomas Butler to the same effect.

74. xviii. Deposition of John Smargin to the same effect.

74. xix. Deposition of James Burtell. Report of a conversation with Mr. Cressy. Dec. 20, 1698.

74. xx. Deposition of Jane Burtell, to the same effect. Dec. 20, 1698.

74. xxi. Confession of James Burtell. What I spoke against Mr. Thomas Cressey were passionate words, a human frailty of which the Apostles acknowledged themselves not to be free. The occasion was a note sent to me by Mr. Cressey wherein I apprehended my life to be threatened, and, to make him satisfaction, I thought it my duty not only to do it to my congregation by confessing the words not to be true, which now I do declare to your honours and hope that you, Mr. Cressey and all Christian people will bury this fault in the grave of oblivion, which I have prayed to God Almighty to do, and hope and promise, through His assistance, never to be guilty of this or any such like crime for the future, but to behave and demean myself as a person living suitably to the profession I bear, of which I hope your honours will not deprive me for the sake of my poor family who were great sufferers in the late wars and persecutions in my country, and your petitioner shall ever pray for your daily increase of health, wealth and honour here and Eternal Glory hereafter. *Signed*, James Burtell. *Depositions endorsed*, Recd. March 20, 169$\frac{8}{9}$. [*Board of Trade.* Leeward Islands, 6. *Nos.* 3, 3 i.–xxi.; *and* 45. *pp.* 333-348.]

Feb. 4.
Nevis.

75. President and Council of Nevis to Mr. Secretary Vernon. We are favoured with your letter of Nov. 23 signifying the Lords Justices' commands in relation to Capt. Kid and his accomplices, which we shall communicate to the respective Governors of the Leeward Islands. *Signed*, Wm. Burt, H. Holt, Walter Symonds, Dan. Smith, Jno. Smargin, Richd. Abbott. *Addressed and sealed*, *Per* Capt. Adamson and Capt. Gardiner. [*Board of Trade.* Leeward Islands, 6. *Nos.* 3 (a) *and* 3 (a 1) *duplicate.*]

Feb. 4.
Nevis.

76. President and Council of Nevis to the Lords Justices. We are highly honoured by your Excellencies' commands of Nov. 9, by the hands of John Taylder, Esq., whom you appointed to disband the regiment of foot commanded by Col. Henry Holt and to incorporate the officers and soldiers into that commanded by Col. Francis Collingwood, who arrived Jan. 12. We have provided convenient quarters and accommodations in this island, St. Christopher's, Antigua and Mountserrat for them. *Signed*, Wm. Burt, H. Holt, Walter Symonds, Dan. Smith, Jno. Smargin, Richd. Abbott. *Addressed and sealed.* [*Board of Trade.* Leeward Islands, 6. *Nos.* 3 (b.) *and* 3 (b. i.) *duplicate.*]

Feb. 4. James City **77.** Governor Nicholson to Council of Trade and Plantations. My grateful thanks for the favour of being commissionated Lt. and Governor General. I hope you received my reports of Maryland of Aug. 20 and Sept. 12 last. I received yours of Aug. 23, and left it with my successor Col. Nathaniel Blakiston, together with your former letters and all other public papers. I will send you the Journal of Council there when fairly transcribed. Governor Blakiston came to Annapolis Dec. 26, but by reason of the frost etc. the Council did not meet before Jan. 2 when I delivered up H.M. Government to him and gave him the fullest account of it I could. We have settled a very good correspondence, as I have had the good fortune to do with H.E. the Earl of Bellomont. Copy of their letters to me enclosed. I transmit the Council proceedings in Maryland from Aug. 27 to Sep. 14, the Journal of the Council in Assembly, Oct., Journal of House of Delegates Oct. 20, and Laws made in Oct., 1698. In the Journals of Assembly you may please to see the strange and unusual proceedings, to give you no worse an epithet, of some of the House of Delegates, and whatever grievances they pretended, were only to amuse the loyal people and, if possible, to have made them disaffected to H.M. Government, and no doubt would have been glad to have caused some risings or commotions. But their actions are not much to be wondered at, considering there be so many Papists, Quakers, Jacks and necessitous people in that Government. For of the two last kinds are several of the Delegates. But I thank God, by the assistance of the Council and some of the Delegates, I defeated all their designs. And I think I may without vanity say if it had been His Majesty's royal pleasure that I had stayed there, I could have kept that Government in profound peace and quietness. I enclose copies of petitions to me and my answer to them, which I hope will be to your satisfaction and a full answer to all Cood's and Slye's articles against me. The copy of the Journal of the Committee of Public Accounts of Maryland show that all the debts of the country, which were many when I came into it, both of tobaccos and money, are discharged, as also the public buildings and several other contingent charges are paid for: £100 given towards buying public libraries for the parishes, and £100 towards building an hospital at a cool spring, which, thank God, last summer did a great deal of good to people that were troubled with several diseases, and yet there is in bank about £800 and several Acts in force for raising money, that in all probability, before they expire, will raise about the said sum. And if any number of negroes go thither, half as much more. I enclose the Journal of the Committee of Accounts held at Annapolis by which you may see that all the tobacco accounts are paid, together with the money account from the said Tobacco Journal. I enclose proceedings of the Court of Admiralty where I had the brigantine *Susannah* etc., tried, according to the Attorney and Solicitor General's report upon my letter, and with submission I think that unless all illegal traders be tried in Courts of Admiralty in these parts, they will hardly be condemned, especially in the Proprietors' and Elective

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Governments. I enclose a copy of a petition to His Most Gracious Majesty, of which the original is sent to Sir Thomas Lawrence, and if your Lordship pleaseth, he is to present it to His Majesty. It being the depths of winter when I left Maryland, I was not able to have from the Collectors, Naval Officers, two Receivers and the Clerk of the Council, their several lists, accompts and papers, to transmit. But I hope in God to have them some time the beginning of next month, for I design, God willing, to visit our frontiers, and from the uppermost settlements on Potomac it is not above a day's journey to Annapolis, whither I purpose to go in order to discourse Governor Blakiston about the Indians and securing the frontiers and settling of a post, etc. It hath been my fortune, when I came into H.M. Governments, to find them under some unhappy circumstances: I must esteem it a very great satisfaction, if, please God, I can but deliver up this as I did before or Maryland. I am deeply grateful for my Commission and Instructions which you despatched so readily and await with great earnestness the letter you say you will write to me, as my predecessor has not left me any of your letters to him save that about an Act against Pirates, which was the reason of the order of myself and Council, that Edmund Jennings, Esq., Depy. Secretary, should wait upon Sir Edmund Andross to desire and receive of him all letters and public papers, etc. I enclose an account of what was done therein. Though he would not be present at the publication of my Commission nor deliver anything to me, so that in that respect I was left as much as possible in the dark concerning H.M. Government, yet, thank God, I am not in the least discouraged and hope I shall be not the less able to discharge my duty. Being Sir Edmund would give me no account of the revenue, fortifications, etc., I have gotten them from the Auditor and the gunners. I enclose accounts of Edward Ross, gunner of this place, and Richard Dunbar, gunner of Tyndal's Point, over against which place, on this side of York River, there are also eight field carriages, on which never any guns were yet mounted. And I think it will now be too late, by reason that they are in very little better condition than the others. I would also have gone and seen the fortification, as 'tis called, in Nantzimum, but I find that it is not now esteemed one, by reason that the gunner is discharged. What public arms and ammunition there are in the several counties, I hope to have an account at the meeting of Council. I enclose Mr. Auditor Bird's accounts. His Majesty's revenue of 2*s*. per hogshead is in debt about £4,200. I suppose the country is in debt too upon several accounts, and I find there is neither money nor tobacco in Bank to pay their debts, nor any Act in force by which either of them may be raised. And by reason of the unlucky accident of the General Court-House being burnt last October-Court, in which building are several offices, and the House of Burgesses also sat there, 'twill require about £2,000 to make another suitable and convenient. By all these accounts you may see under what bad circumstances I enter upon this Government. And in point of the Revenue, when I delivered it up to Sir Edmund, 'twas much otherways. But if he should pretend that there is this year's 2*s*. per hogshead and quit-rents towards balancing of the accompts, it cannot justly be allowed of. For there is but one crop a year to pay the 2*s.*, and all the salaries and contingent charges are annual; and when he entered upon the Government it was but three months sooner in the year. I find it will be absolutely necessary for H.M. service to have an Assembly as soon as possible, but fear that will not be till the latter end of April. Sir Edmund spoke to me about one Mr. Dudley Diggs, whom he had made of H.M. Council last October-Court. But with humble submission I think there was no absolute necessity for it then. For an Assembly and a Council had been held before that time, and after the death of Col. Christopher Wormley, in whose place he was put. And your Lordships in H.M. royal instructions to me having left out the said Wormley, no doubt on account of his death, and appointed 12 gentlemen besides and Mr. Diggs none of them, I have found that by my Commission I could not admit of him, because there is above the number nine. And I hope there are a great many gentlemen in this province who have been and are very zealous for H.M. service in general, that are in all respects equally, if not better qualified than he. I hope you will pardon me for not transmitting herewith the names of the 12 persons qualified to be of H.M. honourable Council, for, with humble submission, I think it is for H.M. service to defer it, till it please God that the Assembly is over, which I think is a proper time to try men in, especially considering how many of H.M. affairs are to be transacted there. I enclose proceedings of the Council, Oct. 9th, 10th, 12th, 1698. And I hope you will excuse me for not sending any further account of this Government, since it is winter, so that I have not been able as yet to go much abroad, nor had but one Council, and that short, by reason of the fewness of the Councillors. In these parts of the world these three last winters have been very extraordinary, the first for the greatness of the snow, the other for the oftenness thereof and great frosts, and length thereof, and this for the mildness and fineness thereof, there having been little or no snow, only some smart frosts at the beginning, but only enough to correct the grossness of the air in point of the summer and fall heats, so that, I thank God, we are very healthful. This weather and effects hath been universal in H.M. Dominions here on the Continent, all which pray God continue. I am now in hopes that it will please God the winters and seasons will be as when these parts were first seated, so that the tobacco-planters both here and in Maryland may be encouraged to follow it and not go upon any other projects which may be prejudicial to H.M. Revenues or the interest of H.M. Kingdom of England. I suppose that there are here very near ships enough (but more are daily expected from England) to transport all the tobaccos, of which there are pretty good crops: in Maryland very small ones but more ships than can be loaded with this crop, so that they must either go from thence dead-freighted or stay all the summer for the next crops. But it makes well for the planters, for they have very great prices for their tobaccos, which no doubt is caused by the quantity of ships, goods and purchasers, as it is here also, for some give about 20*s. per cdwt.* for Arronoco tobacco, and 25*s.* and upwards *per cdwt.* for sweet-scented. Freight is low here, but particularly in Maryland. I heartily wish that

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the buyers of tobacco and the owners of ships may have so good fortune as the sellers and freighters. *Signed*, Fr. Nicholson. (P.S.) A little before I gave up the Government of Maryland I received Mr. Yard's letter of Sept. 20 last, writ by order of the Lords Justices concerning some French soldiers of the garrison of the Fort du Noxoata en Accadie, which were taken by the English. I ordered proclamations accordingly, but believe none of those French soldiers are in that province or this. The original letter and names of the soldiers I left with Gov. Blakiston. Mr. Jennings has brought me a similar letter addressed to Sir E. Andross, so when please God the Council meets, proclamations shall be sent into the several counties by me. *Signed*, F.N. (P.S.) I have received the Lords Justices' orders in pursuance to the laws relating to Trade and Navigation, Sept. 30. As in duty bound, God willing, they shall be obeyed by (*Signed*,) Fr. Nicholson. *Endorsed*, Recd. Ap. 3. Read May 19, 1699. 6½ *large pp.* *Enclosed*,

1698.
Nov. 12.
New York.

77. I. Governor the Earl of Bellomont to Governor Nicholson. I take this opportunity of assuring your Excellency of my respects by Lt. Riggs, and to desire there may be that correspondence between us that may create a friendship and render us serviceable to the King and old England. I am told it were feasible to engage some new nations of the Indians to trade with us, such as the Dowaganhas and others that lie behind Virginia and Carolina. It may perhaps be worth your while to try the experiment whether any of those nations are to be brought to correspond with us. The French, I find, have gotten a footing amongst them, but certainly we are in a capacity of gaining them from the French since by our contiguity to them and our numbers of people we can afford to trade with them on better terms than the French can possibly do at the vast distance they lie from them. Our Five Nations of Indians are reduced to so slender a number, the policy of the French being to destroy all those they can't debauch and inveigle from us. Therefore I think we ought to look out for a new correspondence and trade with those other nations, for at the rate our Indians have been destroyed, not only during the war but also since the war, they must necessarily be extirpated in a few years. There has been a person with me upon such a project, and told me he and some friends of his would undertake to settle a correspondence with some more western nations of Indians. I bade him put his proposal in writing, which he promised to do. When it comes to my hands, if it be well grounded and rational, I will communicate it to your Excellency. I send the printed conferences I had with our Indians. *Copy.* *Signed*, Bellomont. *Endorsed as preceding.*

1699.
Jan. 20.
Annapolis.

77. II. Governor Blakiston to Governor Nicholson. I should very much joy to hear you got safe into your Government. I must always own it was my great good fortune

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in meeting with you at my first coming here, etc. *Copy. Signed,* N. Blakiston. *Endorsed as preceding.*

77. III.-IV. Copy of proceedings of the Court of Admiralty, Annapolis, Oct. 22, 1698, against the brigantine *Susannah* of Spanish Town, Thomas Lorett, master, for illegal trading. William Dent, H.M. Advocate. Thomas Tench, judge. 7¼ *pp. Endorsed as preceding.*

77. V. Copy of a congratulatory address of the Governor, Council, Grand Jury, etc. of Maryland to the King upon the peace. *Signed,* Henry Jowles, *Chancellor* ; Charles Hutchins, Thomas Tench, John Addison, Thomas Brookes, James Frizby, *Councillors ;* Robert Smith, Thomas Tasker, John Thompson, James Keetch, Richard Hill, John Hammond, John Hawkins, *Judges of the Provincial Court ;* Philip Lynes, *foreman* ; Charles Greenberry, William Comigys, Ambrose Kinamont, Charles Filder, John Rawlins, Charles Beaven, John Emerson, Ephraim Wilson, William Myls, Thomas Kilman, Humphrey Tilton, Thomas Atterbery, William Watts, Peter Watts, Aaron Tunison, *Grand Jury.* Fr. Nicholson, *Governor. Endorsed as preceding.*

77. VI. Accounts of stores, ammunition, etc. in the Magazine in James City, Feb. 1, 1699. *Signed,* Edward Ross.

77. VII. Accounts of stores, etc. at Tindol's Point, Feb. 1, 1699. *Signed,* Richard Dunbar.

77. VIII. Memorandum of Mr. Auditor Bird's account. ¼ *p. Endorsed as preceding.*

77. IX. Memorandum of warrants for money past but not brought to account, Jan. 18, 1699. ½ *p. Endorsed as preceding.*

77. X. Memorandum of accounts of salaries due. ¼ *p. Endorsed as preceding.*

77. XI. Memorandum of account of quit-rents, etc., for 1697. ¼ *p. Endorsed as preceding.*

77. XII. Memorandum of account of money expended out of the 2 sh. per hhd. ½ *p. Endorsed as preceding.*

77. XIII. List of papers transmitted by Gov. Nicholson in his letter of Feb. 4. 3 *pp. Endorsed as preceding.* [*Board of Trade.* Virginia, 6. *Nos.* 74, 74 I.-XIII.; *and* (*without enclosures*) 37. *pp.* 315-325.]

1699.
Feb. 6.
Fort William.

78. Minutes of Council of New York. His Excellency having sent for the Mayor and Aldermen of the city and they attending without, he informed the Council he had two informations of seditious words spoken by Alderman Jacobus van Cortlandt on two occasions. The Mayor and Aldermen were called in. Alderman Lewis and Captain Evert Byvang declared that they had heard Cortlandt, when it was proposed to build a Town-house for the Assembly and Courts of Justice on the upper end of the Broad Street, object, saying it was too high a part of the town, for that it would be too much under the awe of the Fort, and that an Assembly could have no freedom of debate, where they were liable to have the house beat down about their ears from the fort. His Excellency produced a deposition of Francis Wessells which imported his discouraging Wessells from voting for Mr. Graham, the Attorney General, at the next election of Assemblymen, because he would be for settling the revenue on the Crown, and that Mr. Staats, Mr. Lewis and Mr. Walters had promised the Governor to confirm the revenue and pay a contribution of four or five hundred pounds *per annum* towards his support in the Boston Government. His Excellency rebuked Mr. Cortlandt and challenged any man to say that he had ever bespoke the settling the revenue for ever or in any manner whatever; he declared his resolution of proposing to the Assembly when they should meet the settling a revenue for the support of the Government for such a term of years as they should judge proper, for, he said, it was agreeable to the constitution of Parliaments or Assemblies that the granting a revenue or subsidies to the Crown did always arise from the representatives of the people. He pointed out that Cortlandt's excuse that he wished the province to be eased of its burthen was no argument, for the King was at great charge in protecting it, maintaining four hundred men and a man-of-war for its defence with other charges amounting to fourteen or fifteen thousand pounds *per annum.* After the advice of the Council had been taken, the Mayor and Aldermen were informed that Cortlandt ought to be prosecuted at law and to enter into recognizance of £500 for appearance. The petition of Paulus Turk was referred to Committee. [*Board of Trade.* New York, 72. *pp.* 185-190.]

Feb. 6. **79.** Sir Charles Hedges to the Council of Trade and Plantations. My opinion, which you require, as to the claims of the English against French subjects for damages done them in St. Christopher's, contrary to the treaty of Breda, which continued undecided till the time of the late war, is, that they are set aside by the Treaty of Ryswick. *Signed,* C. Hedges. *Endorsed,* Recd. Read, Feb. 9, $169\frac{8}{9}$. 2 *pp.* [*Board of Trade.* Leeward Islands, 6. *No.* 4; *and* 45. *pp.* 325–327.]

Feb. 6. **80.** Journal of Council of Trade and Plantations. Letter from Capt. Norris, Cadiz, Nov. 13, read and found to be same as that received from Mr. Burchet, Feb. 3.

Letter from Mr. Samuel Allen, New Hampshire, Nov. 28, read.

Letter from Sir Wm. Beeston, Jamaica, Oct. 13, read and enclosed papers laid before the Board.

Letter from Mr. Burchet enclosing orders of Council and rules about passes read and directions given for an answer to be returned with observations to the Lords of the Admiralty for their opinion with a view to proposing necessary alterations. [*Board of Trade.* Journal, 11. *pp.* 382–384; *and* 96. *No.* 23.]

Feb. 6. **81.** Rules about passes. [*Board of Trade.* Trade Papers, 14. *pp.* 169-185.]

Feb. 7. New Providence. **82.** Governor Nicholas Webb to Council of Trade and Plantations. In my last I gave a relation of a brigantine that was brought in here being deserted by the master and his company, as she was chased by some of our vessels, who were in pursuit of

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the famous pirate, Kelly, who sailed in a vessel of the same build. Notwithstanding she was here condemned to the use of the captors or finders as a flotsam, yet since this the master and his company are come here after a miraculous deliverance from the Florida shore and is repossessed of his vessel and cargo, which I took great care to preserve undivided. I now inform you of the concluding part of this troublesome transaction, which has been compassed without one penny reward, purely to prevent any unjust reflections upon this Government, which has lain under some imputations as to piratical practices or connivances of them, which shall never be neither committed or countenanced here while I have the honour to serve His Majesty. *P.S.* And nothwithstanding the charges of the expedition were considerable, all the merchandizes, as well as money and vessel, I have ordered to be delivered with[out?] a penny salvage. *Signed*, Nic. Webb. *Endorsed*, Recd. June 9. Read Oct. 5, 1699. [*Board of Trade.* Proprieties, 4. *No.* 11; *and* 26. *pp.* 120-121.]

1698.
Dec. 19.

82. I. Letter referred to above. In my last (May 2, 1698) I informed you of the seizing of Berry's vessel (*vide* Cal. 1698, No. 445) and how by the insinuations of Col. Trott, the late Governor, and his friend Thomas Walker to the Jury they brought her off, but failed to prevent another brigantine, John Flavell commander, from being condemned. I desire instructions whether or no juries are allowed in such cases, and what methods you shall think convenient for the better managing trials, in the Court of Admiralty. Another vessel with 20 tons of logwood has been condemned here, being navigated contrary to law, having three Frenchmen on board and but four English. The King's moiety lies in the Collector's hands. I enclose the whole proceedings against another brigantine, the *Bahama Merchant*, John Edwards, master (in which I have acted with all the prudence and caution imaginable), in order that you may see the transactions relating to the bringing in and condemning her and her lading as a flotsam. The reasons why this expedition was put in practice will appear from the two affidavits by the two carpenters of the ships so long haunted and at last forced on shore by the notorious pirate Kelly in the Gulph of Florida, which is about 40 leagues distance from us, so that it was thought fit to give these gentlemen commissions to pursue all brigantines and to use their utmost endeavour to bring this Kelly in or any ways to destroy him. Now it so happened they deserted the brigantine above mentioned, and gave her chace under the King's colours, firing several guns to leeward as a signal of friendship in order to speak with this Edwards, who made away and being possessed with a great temerity was resolved to trust the savage cannabals on shore rather than be taken by Kelly. About ten at night a sloop was sent to board him and found not one living

soul on board. When day came they sent a small sloop on shore under English colours, but could not find anyone belonging to the ship and were obliged to bring her into their commission port. This was very unfortunate to these commanders' designs, who were extraordinary well fitted for the pursuit of Kelly. These gentlemen are not common seafaring men but merchants of good account, and would by no means expose their estates, themselves and families for so small a trifle as their proportions, when divided, would be, neither will the whole defray half the charge of the expedition, which was unfortunately put by, through the baseness of this Edwards quitting his vessel, who is since all this come to rights and is here a living shame to himself and his owners, two of which are resident here. You will perceive by the judgment she is condemned, and though so long since yet I have caused all the goods to be locked up in a storehouse and the vessel remains safe at anchor here till your Lordships shall send instructions. This Edwards has been in Jamaica, and to take off the scandal and villainy he has committed by quitting his vessel, he and four of his company made an affidavit and gave the freighters such false informations about this matter that Sir Wm. Beeston writ me a letter in his favor. I called a Council to hear what he could say. His affidavits were plainly shown to be false. And though I told him I would never countenance anything that looked like piracy and that if he could accuse Col. Elding, then sitting in Council, and Capt. Groombridge, the two commanders who chiefly chased him, with piracy, they should both be immediately put into custody and undergo a severe trial, he said he could not do it. After this vessel was brought in, I sent a small sloop, belonging to Col. Elding, to Carolina, whence these persons might get to in their boat, which shows the great endeavours I used. At the same time that Kelly was haunting the Gulf, there was a new gang from the Isle of Ash in Jamaica plundering the easternmost of our islands, taking all vessels they could overcome and landed in several places, carried away slaves and burned houses within 14 leagues of this harbor, which from Jamaica might have been easily prevented, having those men-of-war there, whereas this expedition was at the charge of the commanders, whose hopes was, if they missed Kelly, they should make up their losses at the Jamaica wrecks the two carpenters belonged to, all which was laid aside upon meeting with the unaccountable fellow Edwards. *Signed*, Nich. Webb. *Endorsed*, Recd. June 29. Read Oct. 5, 1699. 2 *pp.* *Enclosed*,

82. II. Copy of depositions of John Jinkins and John Marsh, carpenters of two ships taken by Kelly the pirate.

1698.

Copy of commission and instructions to Capt. Read Elding, commander of the sloop *Sweepstakes*, and to Capt. James Risbee, Capt. Humble and Capt. Groombridge for the expedition for the suppression of pirates.

Copies of depositions relating to the bringing in of the *Bahama Merchant*. 8 *pp*.

82. iii. Proceedings of the Court of Admiralty, New Providence, Aug. 16, 1698, relating to the condemnation of the brigantine *Bahama Merchant*. 3 *pp*. [*Board of Trade*. Proprieties, 4. *Nos*. 10, 10 i., 10 ii.; *and* (*without enclosures*), 26. *pp*. 111–119.]

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Feb. 7.
Boston in New England.

83. Isaac Addison (Secretary of Massachusetts Bay) to William Popple. This conveyance offering of a ship bound for London, I am bold to inform your honour of the present quiet of this province. Some gentlemen commissionated by the Government here have lately been in the Eastern parts thereof to demand the English captives out of the hands of the Indians, who had broken out in rebellion. They have obtained so many of the captives as were near at hand, some others still remain that were far up in the country, the difficulty of the winter season not allowing of their travelling down to the seaside, and the rivers being shut up with ice, they could not be transported by water, but the Indians have engaged to bring them in so soon as the spring comes on. They have also renewed their submission and recognized their obedience unto the Crown of England, promising all good fidelity and to live in peace with the English, which it's hoped they will observe so long as the peace continues between the two Crowns of England and France. The French keeping their missionaries and Jesuits among them, they will be instigating of the Indians to further hostilities upon any fresh eruption with France. It seems necessary for the quiet of His Majesty's subjects that those French missionaries be forbidden to reside within any part of His Majesty's territory in that country. The French insist upon their claim of bounds to the river of Kennebeck. A vigorous asserting of His Majesty's rights in that regard and speedy settlement of that matter will very much conduce to the peace and quiet of his subjects. The Earl Frontenac, Governor of Canada, died in Nov. last past. *Signed*, Isaac Addington. *Endorsed*, Recd. Read, March 20, 1698-9. 2 *pp*. [*Board of Trade*. New England, 9. *No*. 56; *and* 37. *pp*. 135, 136.]

Feb. 8.
Jamaica.

84. Mr. Heathcote to Council of Trade and Plantations, enclosing abstract of recent advices from Jamaica. There are many pirates about our seas and the French make us no restitution nor the Spaniards spare anything they can master, so that we are in an ill case with our hands bound and must stand still to be buffetted. We only of all the nations in these parts are the passive people, and our losses without remedy make the people much to complain. *March* 4. You will hear what fine voyages the ships made with their negroes at Cartagena and how they were used by the Government and factor of the Assiento, and the two ships that lately stopped there and are gone to Vera Crux will meet with the same civilities. The Spaniards are, in all things where they have the advantage and power, very rude to us, and use the French and

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Dutch with much more liberty and respect, so that it's pity we have not liberty to make them sensible of their indignities. Rear-Admiral Benbow is now going over and several merchants, etc. with him, he intends to huff them out of some of our vessels they have taken from us without any reason, and use the men worse than prisoners if we had war. I hope some orders will be given that we may not so tamely be obliged to suffer their insults. When you hear that they put 11 negroes for one *peice de India* for which they paid the master but £22 or £23, and sold each negro before their faces for 200 pieces of eight and by this means made the cargo to come out at 400 and odd pounds, you will admire at their impudence, but you must know that this is the roguery of the *oficialis realis*, who do this to cheat the King of so much of his due, and share it amongst them, which it's pretty but should be laid before their Ambassador. Notwithstanding the express commands of the King that none shall impress men here without the Governor's warrant and confirmed by the Lords of the Admiralty, yet the Rear-Admiral orders his men to impress the inhabitants, which is not only interfering with all authority, but will frighten away all our seamen and ordinary people to the Scotch or any place else where they think they can be easy, so that it seems to me this island can never be well settled, having so many disadvantageous pullbacks. *Endorsed*, Recd. Read May 30, 1699. [*Board of Trade*. Jamaica, 8. *No*. 107.]

Feb. 8.
Jamaica.

85. Governor Sir William Beeston to the Council of Trade and Plantations. I transmit duplicate of mine of Jan. 20, because that went by a small ship of Bristol that went alone. The Assembly met, found the town not very healthy, and being newly going to get in their crops of sugar, I allowed them to adjourn till March 7. I send to Mr. Popple the Acts that are passed. The Spaniards continue to secure all they can meet with from the English on account of the Scotch settling in Darien, and that your Lordships may see some of their usage to his Majesty's subjects, I herewith send a letter of one Flavell whom I formerly writ your Lordships was taken by the *Barlaviento* without any manner of reason, he having come from Carolina directly for this place and was going thither again without touching on any of their dominions. They secure all our negroes that run from us to Cuba, and set them free; some time since about 20 ran away and landed at Trinidados on Cuba; the owners having notice sent thither to enquire after them, who were answered that being fled thither for protection they could not in justice return them but that their value to a considerable price was in the Countador's hands, and if [I] would send order to whom it should be paid it should be done accordingly. On this the owners sent a vessel and I sent an order, but they sent her back again with this answer, that in the year 1680 or 82, the King of Spain, like a great and merciful Prince, sent a schedule by which he ordered that all persons that fled to him or his territories for protection should have it and be wholly emancipated from any pretenders, so that by this rule they may rob us of all our slaves, for Cuba is to be seen from the north side of this island in fair weather, and therefore there needs not much navigation for

1699.

them to run thither, but indeed in this manner they fopp us off in all things, which is a great disturbance as well as loss to His Majesty's subjects. I have received yours of Oct. 27, and greatly acknowledge your goodness to me in your kind and just representation, which will I hope sufficiently screen me from the malice of those gentlemen who first betrayed me contrary to their oaths as Councillors, and then went to England on purpose to traduce me, to carry on their ambitious designs. The people of the country are healthy, and the whole island within is in great peace and quiet without any disturbance or disputes as ever it was known to be since the English have possessed it. But we want people to fill it, and the newcomers are still afflicted with the distemper that has for long reigned in these parts of the world with a mighty loss to the place. The money for the subsistence of the soldiers will not hold out for two full musters more. What then to do with them I know not, but will direct them to continue as they are till further orders come about them. I have formerly acquainted you that there is a considerable sum in the muster-master's hands made of many perishing things, which, to save their loss, have been sold. If I had order for that money, (it) would continue their subsistence near six months after this money is out. *Signed*, Wm. Beeston. The Council have now agreed with me that we build two storehouses for His Majesty at Kingston, each 90 foot long and 30 broad, and the same space betwixt them for a yard, which I am now going about to build with brick very substantially. *Endorsed*, Recd. 17. Read 19 May, 1699. 2 *pp.* *Enclosed*,

1698.
Dec. 24.

85. I. John Flavell to Governor Beeston. On June 6 I sailed out of Port Royal bound for Carolina, but July 15 in Lat. 24.20 fell in with the *Armatha Barlaventa*, who out-sailed by reason of small winds and took me, and made a prize of all and imprisoned me because I had near 900 pounds in cash on board. I had nothing else contraband, but your Excellency knows there is no other money passes in Jamaica but the Spanish coin. They account it a great crime to be found with their King's quoine, and use me as a criminal, for a-nights I am put between decks, where they keep hogs and goats and other cattle, with a sentinel with a weapon over me. Fourteen days after they took me, they took a Dutch ship bound for Holland. They sent two boats to St. Thomas's and on the way at Crab Island found two English sloops belonging to Nevis fishing for turtle with about four men and a buoy (*sic*) each. When they came up with them the men being afeard jumped into the sea to swim ashore. They shot them in the waughter; the master of one of the sloops they took up, but his jawbone shot to pieces as he was swimming. They took two men more and a buoy; they are all here in the Armatha; the two sloops they burned. They keep me here in spite of our sworn statements of the truth. By what I find they had a mind to my brigantine, for she is a brave vessel. They tell me I must go to their King for satisfaction, which would cost more than all is

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worth, but I believe they intend to keep me till time has worn things out of mind. There is none that can help me without it be your Excellency. *Signed*, Jno. Flavell. [*Board of Trade.* Jamaica, 8. *Nos.* 108, 108 I.; *and* (*without enclosure*), 56. *pp.* 317-320.]

1699.
Feb. 8.
Mark Lane,
London.

86. Francis Eyles to William Popple, at the Cockpit at Whitehall. Your letter and duplicate of the 17th of January last directed to Mr. Bridges, Mr. Littleton and myself, as agents for the Island of Barbados, came to my hand in due time, and having soon after the receipt of the first seen the Hon. Mr. Pollexfin, I presumed to acquaint him that the agency for Barbados was let fall by the discontinuing of the Act, which was for two years ending in May last; that I had made some enquiry into the particulars which the Lords of the Council of Trade had recommended to the said agents, relating to the settlement of Tobago, but could not learn anything worth imparting to their Lordships; and he was pleased to say he would impart to the Board what I told him, and that there would be no need of my attendance. *Signed*, Fran. Eyles, Mark Lane, Feb. 8, 1698. *Endorsed*, Recd. Read, Feb. 9, $169\frac{8}{9}$. 1 *p.* [*Board of Trade.* Barbados, 7. *No.* 76; *and* 44. *p.* 241.]

Feb. 8.

87. Journal of Council of Trade and Plantations. Letter to Mr. Burchet about passes ordered to be sent.

Letter from Mr. Secretary Vernon enclosing extract of a letter from Sir Lambert Blackwell, Florence, Jan. 13, with reasons for allowing the Jews to trade to Alexandria under English protection, together with papers from Sir Joseph Williamson relating to the tariff between Holland and France, read. Copy of the reasons ordered to be sent to Sir Gabriel Roberts with desire to know the views of the Levant Company or other merchants trading thither.

Feb. 9.

Mr. Blathwayt announced that he had presented to the Committee of the House the clause agreed upon Jan. 19, and that it had been well received.

Mr. Henry Adderley and others presented a memorial about the present state of the Province of New York. Their Lordships told them they had already written to Lord Bellomont to prevent the inconveniences they seemed to fear.

Letter from Mr. Eyles saying he could not learn anything of the settlement of the Island of Tobago read.

Letter from Lord Bellomont, New York, June 28, relating wholly to Mr. Livingstone's case received from Mr. Overton and read.

Duplicates of letters to Lord Bellomont, Feb. 2 and Feb. 3, signed and despatched. Letter from Mr. Day, Bermuda Islands, Oct. 15, read. Enquiry ordered to be made of his agent, Mr. John Williams, as to what he had done with the powder and colours which were ready to be sent thither several months ago.

Ordered that Mr. Brenton be reminded of his promised memorial.

Letter from Sir Charles Hedges *re* St. Christopher's read.

A representation upon the memorial of the Jamaica Agents signed and sent to the Council Board. [*Board of Trade.* Journal, 11. *pp.* 385-388; *and* 96. *Nos.* 24 *and* 25; *and* Trade Papers, 14. *pp.* 185-191.]

1699.
Feb. 9. **88.** Minutes of Council of New York. Petition of John Bond, master of the *Endeavour*, referred to the Mayor, John Depeyster. Other petitions read and payment ordered to the Messenger of the Council. [*Board of Trade.* New York, 72. *pp.* 190, 191.]

Feb. 9. **89.** Thomas Lane to Mr. Popple. I entreat you to put their Lordships in mind of the reference to them of the appointment of Col. Andrew Hamilton for Governor of East New Jersey. The ships that are going for America being very speedily to depart, and, as he informs me, it will be a prejudice to that excellent and useful project of the Post Office which he has established in America, if he sustains a much longer delay, pray, Sir, pardon this freedom I use with you and believe that wherein I can serve you in the City I am your most humble servant, Tho. Lane. *Endorsed*, Recd. Read, Feb. 10, 169$\frac{8}{9}$. [*Board of Trade.* Proprieties, 2. *No.* 46.]

Feb. 9. **90.** Some London merchants trading to New York, to the Council of Trade and Plantations. Trade is in danger of being ruined through the disturbances caused in that late flourishing Province by the followers of Jacob Leiseler, who was executed for high treason. The insolence of this party is occasioned by the encouragement given them by the Governor. We are ready to produce some merchants and others lately come from New York to give your Lordships further information. *Signed*, Tho. Byfold, Micajah Perrye, Tho. Starkey, Joseph King, William Sheppard, Nicholas Russell, Walter Benthall, Thomas Hart, Nath. Rous, J. Barrobie, J. Loffting, Samuel Waldenfield, Hen. Adderley, Simon Lodwin, B. Hackshaw, Wm. H. Cornelisen, Gerard van Heythuysen, Jno. Blackall. *Endorsed.* Recd. Read, Feb. 9, 169$\frac{8}{9}$. [*Board of Trade.* New York, 8 A. *No.* 9; *and* 53. *p.* 256.]

Feb. 9.
Whitehall. **91.** Council of Trade and Plantations to the King. Upon the memorial of the Agents of Jamaica (Feb. 2), we represent (1) that the inconveniencies arising from the execution of patent offices by deputies, either unqualified or too much inclined by the high rents they pay unto the Patentees to make indirect advantages of their respective places, are so great, not only in Jamaica, but in other your Majesty's Plantations in America, that Patentees should be obliged by their patents or otherwise to actual residence upon the place and to execute their respective offices in their own persons, unless in case of sickness or other incapacity. (2) The sending over of 200 soldiers, as proposed, if it be not judged too chargeable, would at this time very much tend to the strength of that important island. (3) As to the men-of-war required we must refer to the order of their Excellencies the Lords Justices in Council, Nov. 8, 1697. (4) It is very fit the laws of the Plantations should be observed in the matter of carrying off indebted inhabitants and strict orders should be given to the Commanders of your Majesty's ships accordingly. *Signed*, J. Bridgewater, Phil. Meadows, Wm. Blathwayt, Jon. Pollexfen, Abr. Hill. [*Board of Trade.* Jamaica, 56. *pp.* 270–273.]

Feb. 9.
Kensington. **92.** Order of King in Council. The proposals of Sir Bartholomew Gracedieu and Mr. Gilbert Heathcote (No. 69)

referred to the Lords Commissioners of the Admiralty. *Signed*, John Nicholas. *Endorsed*, Recd. Feb. 22. Read Feb. 23, 169$\frac{8}{9}$. [*Board of Trade.* Jamaica, 8. *No.* 109; *and* 56. *pp.* 276, 277.]

Feb. 9. Boston. **93.** Minutes of Council of Massachusetts. John Phillips presented a report of his negotiation with the Eastern Indians and their submission signed. The account of Duncan Campbell, Postmaster of Boston, ordered to be paid. Proclamation ordered forbidding building or settlement eastward of the town of Wells or trade with the Eastern Indians, without the approbation and direction of the Government first obtained. [*Board of Trade.* New England, 49. *p.* 191.]

Feb. 9. East India House. **94.** Robert Blackborne to Council of Trade and Plantations. The Governor and Company of Merchants of London trading into the East Indies send the copy of an affidavit lately received touching Mr. Nicholas Trott, late Governor of Providence, his harbouring and assisting the pirate Every and his crew. Being informed that he is now making applications to return to his late Government of the Bahama Islands, we humbly lay before your Lordships' great wisdom, whether such his return may not be an encouragement to pirates and have other ill consequences. We remind you of several papers some time since presented to you, relating to the said pirates being harboured in New York. *Signed*, Ro. Blackborne, Secretary. *Endorsed*, Recd. Read Feb. 13, 169$\frac{8}{9}$. *Enclosed*,

94. I. Affidavit of Philip Middleton, of London, mariner. He served on board the *Charles*, alias *Fancy*, under the command of Henry Every, alias Bridgeman, in April last, when she arrived at an island near Providence, whence a letter was writ to Mr. Nicholas Trott, Governor of Providence, promising, provided he would give them liberty to come on shore and depart when they pleased, to give him 20 pieces of eight and two pieces gold a man and the ship and all that was in her. There were no threats. Governor Trott replied in very civil terms and his assurances of welcome were made good on their arrival. A collection was made afore the mast of every sailor, 100 men besides boys, of the above sum for Governor Trott and sent to him by Robert Chinton, Henry Adams and two more. They sailed to Providence and delivered up the ship with what was in her to Major Trott who took possession of her in the Governor's name, and afterwards left her in the custody of the Governor's boatswain and a few negroes, with the result that she came ashore about two days later, though she had two anchors at her bow and one in the hold. As soon as Mr. Trott was in possession he landed the ship's cargo and stores. She had 50 tons of elephants' teeth, 46 guns, 100 barrels of gunpowder, several chests of buccaneer guns, besides small arms for the ship's use. She was firm and tight and making no water. She came ashore about noon in the Governor's sight and tho' James Browne and several others of Providence and

several that had been of the ship's crew offered to weigh her with casks, no means were used to get her off. It was generally reported she was run on shore designedly. She was not bilged. She belonged to Sir James Houblon and Co. of London, and deponent verily believes Governor Trott knew as much. Jan. 30, 1697. *Copy.* 4 *pp.* [*Board of Trade.* Proprieties, 2. *Nos.* 47, 47 I.; *and* 25. *pp.* 309-312.]

Feb. 10. Deal. **95.** Bevis Hill to William Popple. *Enclosing*

95. I. Receipt of John Neads, master of the *Europe*, bound for Nevis, for letter to the Governor of St. Kitt's.

95. II. Receipt of Tho. Lisle, jun., master of the *Catherine*, bound for Jamaica, for letter to Sir Wm. Beeston. [*Board of Trade.* Plantations General, 5. *Nos.* 5, 5 I.-II.]

Feb. 10. **96.** Journal of Council of Trade and Plantations. Mr. Andrew Hamilton was informed that the delay in the report of the Board about his being appointed Governor for East New Jersey was for want of an answer from the Commissioners of the Customs.

Copy of the report of the Commissioners of the Admiralty upon the representation of Jan. 10 relating to ships of war for the Plantations ordered to be taken.

Mr. Lucas stated that he had met with no success in the steps he had taken for an accommodation with Col. Codrington, and desired their Lordships' interposition in laying his case before the King. He was directed to draw up a state of his case.

Col. Dungan, called Lord Limerick, stated that he had been arrested for money due for provisions for public service during his Government in New York. Their Lordships advised him to lay his case by way of petition before His Majesty. This he promised to do and to deliver several papers that he has relating to the boundaries and other affairs of that Province.

Memorial from Mr. Crown setting forth his title to Penobscot, etc. presented.

Directions given for copying several papers relating to the boundaries of the English territories in North America. [*Board of Trade.* Journal, 11. *pp.* 389-390; *and* 96. *No.* 26.]

Feb. 10. **97.** Minutes of Council of Barbados. The charge for his Excellency's servants, etc., at Buckworth's, £52 4*s.* 5*d.*, was allowed. Mr. Middleton's private bill was passed. Mr. Popple's proposals were approved of, all but one. [*Board of Trade.* Barbados, 65. *p.* 388.]

Feb. 10. **98.** Journal of Assembly of Barbados. The Bill for the provision of white servants was read. It was resolved that land should be inserted in the Bill and acres be given upon oath. The Hebrew Nation is to support thirty white servants in addition to those they are already liable for. A Supplemental Bill to the Act for an imposition on wines, etc., was passed. Addresses for the salaries of the Clerk and Marshal were voted. A Bill for the confirmation of grants of land to John Beeke, gent., was laid before the House and ordered to be reserved for the consideration of the next Assembly. The Records of the expiring Assembly ordered to be left with the Speaker. [*Board of Trade.* Barbados, 65. *pp.* 337-339.]

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Feb. 13.
Whitehall.

99. Council of Trade and Plantations to the Governor and Company of Rhode Island. We send you herewith His Majesty's instructions relating particularly to the observation of the Acts of Trade in H.M. Colony of Rhode Island, the like whereof, *mutatis mutandis*, have been despatched to the Commanders-in-Chief of H.M. other Plantations in America. You will observe in the beginning of those instructions an enumeration of several Acts said to be therewith transmitted to you, which we accordingly send. And as we are charged with the care of transmitting those instructions to you and requiring a particular account of your conduct in the observation thereof, so we recommend the same to you as a matter of great importance for H.M. service and the most effectual means of wiping off the ill report which has lain upon that Government for irregularites in things of this nature. *Signed*, J. Bridgewater, Ph. Meadows, Wm. Blathwayt, Jno. Pollexfen, Abr. Hill. *Enclosed* to the Earl of Bellomont,

99. I. The same letter, *mutatis mutandis*, to the Governor and Company of Connecticut.
99. II. Letter to the same effect as far as "accordingly send," to William Penn (Pennsylvania).
99. III. Letter to the same effect as far as "accordingly send," to Wm. Thornburgh (Carolina and Bahamas). [*Board of Trade.* Proprieties, 25. *pp.* 305-308.]

Feb. 13.

100. Journal of Council of Trade and Plantations. Col. Dungan presented to the Board several papers for perusal as promised, Feb. 10.

The Earl of Bridgewater acquainted the Board that the Earl of Orford had desired that an extract of the Earl of Bellomont's letter relating to the ships of war lately at New York might be sent to the Admiralty Office. Ordered accordingly.

Mr. Dubois and Mr. Richier presented a letter from Mr. Blackburne, Secretary to the East India Company, with an affidavit relating to Mr. Nicholas Trott's receiving Every the pirate, in the Bahama Islands. They desired that if the said Trott made any application to be again Governor of those Islands, they might have notice. Assistance of the Board promised to the East India Company in the prosecution of any persons concerned in piracy.

Feb. 14.

Order of Council of July 16 upon the petition of John Tucker read and directions given for a representation thereon.

Memorial of Mr. Brenton *re* Rhode Island read, and instructions directed to Lord Bellomont for enquiring into the irregularities of that Government. A representation ordered wherewith to lay before his Majesty the draft of a commission prepared for the same service. [*Board of Trade.* Journal, 11. *pp.* 391-393 ; *and* 96. *Nos.* 27 *and* 28.]

Feb. 14.

101. Jahleel Brenton to Council of Trade and Plantations, offering a list of queries proper to be put by Lord Bellomont to Walter Clarke, late Governor, Samuel Cranstone, present Governor of Rhode Island and Providence Plantations, and Peleg Sanford, Judge of the Court of Admiralty, with regard to the issuing of commissions, etc. I am humbly of opinion that if an Act of Parliament could be obtained whereby all persons in the Government in the Plantations might be obliged to take the oath appointed and subscribe the test and association it would much conduce to the good settlement thereof, as would also the appointment of some Commissioners out of that and the neighbouring colonies, empowering them to call before them and to hear, try and punish the mal(e)administrators of the said Government. It would tend much to His Majesty's service if Commissioners were appointed in Massachusetts Bay and Rhode Island to administer to the officers of the Admiralty such oaths as are necessary to qualify them to execute their offices, since all forfeitures and penalties mentioned in the Act for regulating the Plantation Trade are to be prosecuted in the Courts of Admiralty there. And whereas by that Act all Governors in the Plantations are to be approved of by His Majesty, and since the said Cranstone has opposed the execution of H.M. Commission, whether he has not merited His Majesty's disapprobation is most humbly submitted. If your Lordships shall be pleased to appoint any persons to make enquiries into these matters and how loosely the present Government of Rhode Island and Providence Plantations execute their authority, the most considerable persons in that Government, viz. Francis Brimley, Peleg Sanford, Nathaniel Coddington, Caleb Arnold, and Josias Arnold, Esqrs., will give them the best account thereof. *Signed*, Jahleel Brenton. *Copy*. 4 *pp*. *Endorsed*, Recd. Feb. 10, Read Feb. 14, 169$\frac{8}{9}$. [*Board of Trade*. Proprieties, 2. *No*. 48 ; *and* 25. *pp*. 309-318.]

Feb. 16. Whitehall. **102**. Council of Trade and Plantations to the King. We are using all diligence in preparing a draft of instructions for Lord Bellomont to enquire into the misdemeanours of the Government of Rhode Island, and meanwhile humbly lay before your Majesty the draft of a Commission which we conceive may be proper for that service. *Signed*, J. Bridgewater, Tankerville, Ph. Meadows, Wm. Blathwayt, Jno. Pollexfen, Abr. Hill. *Annexed*,

102. I. Draft of Commission to Lord Bellomont to empower him to examine witnesses and enquire into the misdemeanours of the Government of Rhode Island. [*Board of Trade*. Proprieties, 25. *pp*. 318-320.]

Feb. 16. Kensington. **103**. Order of King in Council, approving the above-mentioned draft of a Commission to Lord Bellomont. *Signed*, John Nicholas. *Endorsed*, Recd. Feb. 22, Read Feb. 23, 169$\frac{8}{9}$. [*Board of Trade*. Proprieties, 2. *No*. 49 ; *and* 25. *p*. 339.]

Feb. 16. Kensington. **104**. Order of King in Council. In accordance with a representation on the proposal of Sir B. Gracedieu and Mr. Heathcote all the Patent Officers within His Majesty's Plantations are to be obliged by their patents or otherwise to actual residence upon the place and to execute their respective offices in their own persons unless in case of sickness or other incapacity. The Council of Trade is hereby ordered to signify His Majesty's pleasure in this matter to the respective Governors. A clause to the same effect is to be inserted in all future patents. *Signed*, John Nicholas. *Endorsed*, Recd. Feb. 22, Read Feb. 23, 169$\frac{8}{9}$. [*Board of Trade*. Jamaica, 8. *No*. 110 ; *and* 56. *pp*. 274, 275 ; *and* Plantations General, 5. *No*. 6 ; *and* 35. *pp*. 30–32.]

1699.
Feb. 16.

105. Representation of the Council of Trade and Plantations to the King upon the petition of John Tucker and others, owners of the brigantine *Mary Rose* of Bermuda, impressed in 1693 by Commissioners in Barbados authorised by an Act of the General Assembly of that island, into the King's service against Martinico and there lost. The petitioners pray for £880, the appraised value of the brigantine. But they have not yet made any application in due form to the ordinary Courts of Justice in Barbados. We humbly report to your Majesty our opinion that they may in the first place be directed to apply themselves accordingly and that your Majesty's Governor there be writ to, that they may have a speedy despatch of justice. *Signed*, J. Bridgewater, Tankerville, Philip Meadows, William Blathwayt, John Pollexfen, Abraham Hill. [*Board of Trade.* Barbados, 44. *pp.* 242, 243.]

Feb. 16.

106. Minutes of Council of Massachusetts. Liberty granted Elizabeth Nichols to marry, her husband not having been heard of in three years and supposed to be lost at sea. Payment ordered to Addington Davenport and William Paine, two clerks to the House of Representatives. £400 ordered to be reserved for the reception and entertainment of Lord Bellomont. A General Fast with Prayers and inhibition of servile labour ordered to be proclaimed for March 23. £20 to be paid to John Jones, minister of the town of Lancaster, in place of one there slain by the Indians. [*Board of Trade.* New England, 49. *pp.* 192, 193.]

Feb. 16.

107. Journal of Council of Trade and Plantations. Mr. Hodges given leave to inspect the Barbados Laws.

Representations ordered Feb. 14, signed and sent to the Council Board.

Feb. 17.

Answer to Mr. Secretary Vernon's letter of Jan. 3 and 9, relating to French encroachments and the right of fishery signed and sent. Mr. Burchett desired to give an answer to the letter writ him on the 8th relating to passes. [*Board of Trade.* Journal, 11. *pp.* 394-395; *and* 96. *Nos.* 29 *and* 30.]

Feb. 17.

108. Council of Trade and Plantations to Mr. Secretary Vernon. In answer to your letters of Jan. 3 and 9: The Northern Continent of America having, as is alleged by us, been first discovered by the subjects of the Crown of England, that part of it lying between the latitude of 40 and 48 degrees and extending from the East Sea to the West Sea was granted by King James I. by Letters Patents dated Nov. 3, 1620, unto the then Duke of Lenox and divers others by the name of the Council of Plymouth, etc. In 1621 the country of Nova Scotia was more particularly granted by James I. to Sir William Allexander, afterwards Earl of Sterling, who some time after sold his right to Monsr. Claude de la Tour, a Frenchman, to be held by him and his successors under the Crown of Scotland. About 1631 King Charles I. made some sort of concession of the said country unto the Crown of France (unto which we do not understand that the French had till then any title) reserving nevertheless the right of the Proprietors who had before enjoyed it. In 1633, notwithstanding this concession, Charles I. by Letters Patents, May 11, granted to Sir Lewis

1699.

Kirk and others full privilege not only of trade and commerce even in the River of Canada, which is north of Nova Scotia, and places on either side adjacent, but also to plant colonies and build forts and bulwarks where they should think fit, by which it seems to us that the forementioned concession, whatever it were, was not understood to have been an absolute grant and alienation of the said country from the Crown of England or Scotland. But nevertheless Sir Lewis Kirk and partners were molested by the French in the enjoyment and exercise of the aforesaid privileges. On the other side, many years before this, the country about Penobscot, lying to the westward of Nova Scotia, had been discovered by some of the inhabitants of New Plymouth who seated themselves there, but were also afterward sometimes disturbed by the French Governor of Nova Scotia. In the year 1654, Cromwell, having a fleet at New England, caused the country of Nova Scotia to be seized as being anciently a part of the English dominion, to which the French had no just title, and the Proprietor, Sir Charles de Ste. Estienne, son and heir to M. de la Tour, coming thereupon into England, sold all his title and right unto the said country to Sir Thomas Temple and Mr. William Crowne, one or both of them. Temple and Crown, one of them or their assignees, continued to possess and enjoy the same with the profits thence arising until 1667, when it was agreed between Charles II. and the French by the Treaty at Breda that the said country should be surrendered to the French, which was done in 1670 by Sir Thomas Temple, then residing as Governor upon the place. But in the execution of that surrender it has been suggested to us that Temple exceeded his commission, and delivered up Penobscot also, at which King Charles was highly displeased and did not confirm the same. On the contrary, it happening not long after that a war broke out between France and Holland, in which the Dutch took the fort at Penobscot from the French, demolished it and quitted it, King Charles commissioned the Governor of New York to take the same under his jurisdiction, which was accordingly done and the country extending from Pemtagoet westward to the river Sta. Croix eastward was annexed to the Government of New York by the Duke of York's patent for the same, and in prosecution thereof, the French still keeping possession of some parts of it, Sir Edmund Andros, when Governor of New York, invaded them by force and took the habitation of one M. St. Castine, a Frenchman, who thereupon instigated the Eastern Indians to make war against us, with which war the frontier countries of New England on that side have been much infested. Since His Majesty's accession to the Crown, the dependency of the foresaid country of Penobscot upon the Government of New York has been altered, and in the year 1691 not only that but also Nova Scotia were, by the Charter granted to the Colony of Massachusetts Bay, annexed to the Government of that colony. It is to be observed that during Sir Thomas Temple's residence in and government of those parts, he, having been at great charge in building forts and other ways, for the protection of our fishery, did levy five pound upon every fishing vessel that cured and dried their fish on that shore. After his surrender of that country the French at first contented themselves with the same, but in process of time some of their Governors claimed also the sole right of fishing upon the high seas and have accordingly caused several of our vessels fishing there to be taken and made prize of. What has come to our knowledge concerning the conduct of the French since the Peace, as well in relation to the fishery on those coasts, as to the boundaries between them and us upon the eastern parts of New England by land and the orders which their Governors in those parts pretend to have from the Court of France for their acting accordingly we have already fully explained in our letter of Dec. 29 last. We send copies of many papers that we have received on the foregoing subjects. As to New England, then, and the country lying to the eastward thereof, we conclude by observing that, with relation to the fishery, it is of very great importance to England not only that our right of fishing in those seas be asserted and maintained, but that an agreement be also made between us and the French for mutual liberty for ships to refresh wood and water upon each other's coasts. In relation to the boundaries it mightily imports us that, the ancient limits of that port of Nova Scotia being the river St^a^. Croix, the same be made the fixed boundary between the French and us in those parts, and that the right which they may pretend to derive from Sir Thomas Temple's surrender, and which at most would extend no further than the river St. George, be not allowed of; much less that any concession be made for extending their boundaries westwards to the river Kenebec, as we have been informed they now pretend. As to the boundary between the French and us in the north and west parts of all H.M. Plantations from New England to Carolina, concerning which, though the English Patents generally have allowed no bounds by land but extended the grant of those lands from sea to sea, yet the French since their possession of Canada, having at several times gone up the river of St. Lawrence and from thence into the lakes south-westward, lying all along upon the north and west of H.M. Plantations, though it be no more than what has as frequently and as early been done by Englishmen, yet they have thereupon from time to time extended their pretentions to the propriety of all the countries bordering upon the said river and lakes, which if it should be allowed them and that an entire freedom be not maintained for His Majesty's subjects to trade at least with the Indians of those parts, and for them and the said Indians to pass and repass without molestation, it will turn to the very great prejudice of England, and most particularly of New York and other His Majesty's provinces in America, whose frontiers are furthest extended towards the places so claimed by the French. As to the frontiers of New York and His Majesty's right to the sovereignty of the Five Nations of Indians, we send you the memorial we prepared for H.M. Plenipotentiaries at the Hague, July 1697, and add copies of a memorial and depositions sent us by Lord Bellomont, concerning the constant subjection and dependence of the Five Nations upon the Government of New York ever since the first settlement of that country by the Dutch about 1609, by which all the French pretensions to any right over them (which we do not understand to be either in themselves of any weight or that they reach any farther backwards than 1666), seem unto us to be fully answered and made void.

With regard to the American Treaty, we do not suppose it to be now in force because (i) the French thought themselves under no obligation by it, but attacked us in America upon the declaration of the war in Europe. If one of the parties depart from the contract the other is no longer obliged. (ii) The Treaty of Ryswick does not renew or revive the said American Treaty.

The 3rd and 4th articles of the Treaty, providing that *neither party should give assistance or supplies of men or victuals to the barbarous or wild Indians* and that *the subjects of either nation should not harbour the barbarous or wild inhabitants or the slaves or goods which the said inhabitants had taken from the subjects of the other nation*, could never have been understood by the Crown of England to mean, as the French do interpret it, of the Five Nations belonging to England, who have been always and are still our best defence against the encroachments and invasions of the French in that part of America. As to the 4th article which provides that both Kings should retain all their dominions, rights, etc., in such manner as they now *possess* them, the French very well know what orders they themselves had then given to take *possession* of Hudson's Bay by force, though in time of peace, and to invade as they actually did with a considerable force the northern parts of New England and of New York, with intention to surprise our frontier forts and destroy our Indians, which by the forementioned articles they would have obliged us not to assist. The 5th article providing that *the subjects, inhabitants, merchants, commanders of ships, masters and mariners of each King should abstain and [be] forbidden to trade and fish in all places possest or which should be possest by the one or the other party in America*, without mentioning whether the possession be rightful or no, we conceive has given occasion or pretence to their disturbing our fishery in the eastern seas of America, which His Majesty's subjects have always practised and to which we judge they have a full and undeniable right. Lastly it is worthy of consideration whether a Treaty of Neutrality, either this or any other, in America be for His Majesty's service and the advantage of England, since it is well known that notwithstanding this treaty they did first surprise and attack us in America and may do the like again on the like occasion, whilst we relying on the faith of such a treaty may be wholly unguarded and unprovided, as we then were, for such attempts. *List of papers enclosed, but without enclosures. Signed*, J. Bridgewater, Tankerville, Ph. Meadows, Wm. Blathwayt, John Pollexfen. [*Board of Trade*. Plantations General, 35. *pp*. 12-30.]

Feb. 18.
Nassau,
New
Providence.

109. Governor Webb to Council of Trade and Plantations. Letter the same in substance as those dated Feb. 11 and Dec. 19, 1698. *Signed*, Nich. Webb. *Endorsed*, Recd. July 15, Read Oct. 5, 1699. [*Board of Trade*. Proprieties, 4. *No*. 12.]

Feb. 18.

110. Case of John Lucas. Recapitulation of (25) with some additional objections to Col. Codrington's action for £5,000 damages. *Endorsed*, Recd. Feb. 18, Read Feb. 20, 169$\frac{8}{9}$. 3 *pp*. [*Board of Trade*. Leeward Islands, 6. *No*. 5; *and* 45. *p*. 328.]

1699.
Feb. 18.
London.

111. Henry Adderley and others to William Popple. We desire their Lordships to call before them Col. Nicholas Bayard, Capt. John Evans, Philip French, Jacob Mayle, Benjamin Aske, Wm. Janeway, Matthew Ling, Thomas Jeffers, Samuel Bradford, who are prepared to give an account of affairs in New York. *Signed*, Hen. Adderley, Gerard van Heythuysen, J. Loffting, Jno. Blackall, Wm. Sheppard. *Endorsed*, Recd. Read Feb. 20, $169\frac{8}{9}$. [*Board of Trade.* New York, 8a. *No.* 10; *and* 53. *p.* 256.]

Feb. 20.
Fort William Henry.

112. Minutes of Council of New York. The accounts of Captain Richard Wyse, Master of the *Hester*, with charges for rigging and repairing before seizure, referred to the Attorney-General. Petition of John Lawrence, High Sheriff of Queen's County, Island Nassau, about the riotous behaviour of the inhabitants at the election of Assemblymen, dismissed. Ducie Hungerford, a Commissioner of Revenue, summoned to appear before the Council on the petition of Johannes Beerkman. [*Board of Trade.* New York, 72. *pp.* 191, 192.]

Feb. 20.

113. Journal of Council of Trade and Plantations. Letter from Mr. Burchet about passes read and directions for a representation given.

Memorial from the Turkey Company delivered by Mr. Faulkener and directions given for an answer to Mr. Secretary Vernon.

The Earl of Limerick presented the Duke of York's patent from Charles II. for some part of New England.

Letter from Mr. Adderley and other merchants read. Answered that any of the persons they name may send in their information in writing.

Mr. Lucas was informed that the Board was inclined to give him relief but believed they should be able to do it more effectually when they should have received orders for drawing Col. Codrington's commission and instructions.

An answer desired from Mr. Sansom about the business of Perth Amboy.

Feb. 21. Progress made with report on Col. Fletcher's affair. [*Board of Trade.* Journal, 11. *pp.* 396-398; *and* 96. *Nos.* 31 *and* 32; *and* Trade Papers, 14. *pp.* 193-196.]

Feb. 21.
Whitehall.

114. William Popple to Henry Adderley. Anything you or others mentioned in your letter (Feb. 18) have to offer may be communicated in writing. *Signed*, W.P. [*Board of Trade.* New York, 53. *p.* 256.]

Feb. 21.

115. Minutes of Council of Barbados. Writs were ordered for a new Assembly. The cost of erecting a free school was considered. Two petitions, of Hugh Agnew, merchant, and his wife, against Magnus Popple's proposals, were referred to a Committee of the Council. [*Board of Trade.* Barbados, 65. *p.* 389.]

Feb. 21.
New York.
Dec. 11.
1698.

116. Governor the Earl of Bellomont to Council of Trade and Plantations. 'Tis a misfortune to me and great prejudice to the King's affairs here that your Lordships send me no orders in all this time. 'Tis near six months since I had a letter from your

Board, and I cannot but thinke the pains I take here to serve the King and the interests of England deserves some return. The worst of it is the Jacobite party here take great notice of it, and give it out all the country over that I am therefore in disgrace with the King, for that the ministers neglect me. There came a ship hither three weeks since from London and brought letters from Col. Fletcher to several of his friends here, giving them an account of his kissing the King's hand, and being received by His Majesty with all the marks of esteem imaginable, and several other things in relation to the prosperity of his affairs. This news caused great exultation among the party, and it was industriously spread all the country over, and it was not forgot to be inserted with the rest that I had not received one letter from the Ministers of England, which was made an inference and sure mark of my disgrace. I had this week a letter from Mr. Secretary Vernon by the way of Maryland, which was very effectually penned to answer all the ends of my administration and to encourage my proceeding to discourage piracy and unlawful trade, the belov'd twins of the marchands of this place. Lieut. Hunt sailed the 27th of last month from Pescataway, having come two or three days short of the *Deptford* man-of-war at Boston, with my packet to your Lordships wherein are the states of the revenue, accounts and fortifications of this province, by all which Col. Fletcher will appear very corrupt, and Brooks, the late Collector, deeply involved in the two first. Mr. Basse, the Governor of the Jarzies (Jerseys), in contempt of the orders your Lordships formerly sent me, loaded the ship *Hester* at Perth Amboy in E. Jarzy and was sending her on a voyage, on notice whereof I sent Mr. Hungerford, one of the present Collectors, and one of my Lieutenants with forty soldiers and seized and brought the ship away. I have since offered to restore the ship, provided Basse would have her cleared at this port, but he refusing, we are going to have her tried. The whole proceeding is contained in the papers herewith sent. Mr. Basse threatens to try in Westminster Hall whether Perth Amboy be a port or no and to sue me for damages for bringing away the *Hester*. She is a leaky ship of about 120 tun and her loading is about 28,000 barrel staves. I have not yet complied with the instruction to regulate the militia of the Jarzies, because there is no civil government there, for Basse having not the King's approbation as the Act of Parliament of the 7th and 8th of the King obliges all Governors of Plantations to have, the people do not own Basse's authority, and for fear they should call it more publicly in question he dares not call an Assembly. Besides it is said he has been formerly in very mean circumstances in that country and his carriage now is very foolish, which makes him contemptible to the people. I send a memorial of Col. Romar's the Engineer which by mistake was not sent formerly. It concerns the fortifications on the frontiers. I am much troubled for his being recalled; he is an honest man and an able artist, as the Gentlemen of the Board of Ordnance told me. I enclose an address from the Lieut.-Governor, Council and Assembly of Massachusetts Bay, desiring me to repair thither, but till I receive your orders I do not think it prudent to remove hence. I enclose also an address from

1698.

the Council and Assembly of New Hampshire, which will show you what mischief Col. Allen is doing in that province. He is, it seems, turning people out of their properties without process of law, and so distracts the people that I fear the provision of naval stores for the King will suffer an interruption, which otherwise Mr. Partridge, who is now here with me, gives all possible assurance of its succeeding to all our desires so far as relates to timber of all sorts, masts, pitch and tar: as for hemp he has no hopes of that there, and I formerly wrote my thoughts of hemp and flax as fitter for productions for the soil of Ireland, and to be manufactured there where labour is cheaper three-fourths than 'tis here or in New Hampshire. I do not take my account of Col. Allen upon trust from Mr. Partridge, tho' he have a fair character, for I have the same account from two or three indifferent hands besides. I am persuaded that when you read Col. Bayard's answer to my reasons for suspending him from Council, you will think it deserves not a reply. I rather think that, being a man of so ill a character, and going to England broker for the factious merchants here to purchase my being commanded home (for such is the common report here, and that he is commissioned to lay out a great many thousand pounds for that end) he will deserve your censure. Besides, being a man in criminal circumstances, there being two positive affidavits against him of his countenancing and abetting pirates and partaking of their spoils, he is liable to be arraigned and tried for his life. *Signed*, Bellomont. I send my reasons for suspending Col. Willet, and a copy of my proclamation and circular letter for administering the oaths. The same proofs I sent you of my reasons for displacing Col. Bayard will serve to make good three of the reasons I now send against Col. Willet, and for the fourth the depositions of John Williamson and Benjamin Thurston sent Oct. 21 by Capt. Jeffers will be substantial proofs. I sent my reasons to Col. Mynvisil for displacing him, but he not having yet returned me his answer I forbear troubling you with them at present. *Endorsed*, Recd. Feb. 21, Read March 13, 169$\frac{8}{9}$. 3 *pp.* *Holograph.* *Enclosed*,

116. I. Abstract of preceding letter. 2 *pp.* Also, *Board of Trade.* New York, 45. *pp.* 33-35.

116. II. Minutes of Council of New York. Nov. 23, 1698, ordering the *Hester* to be seized. (Cal. 1698, 1006.) *Copy.*

116. III. Minutes of Council of New York. Nov. 24, 1698. Instructions to Capt. Matthews relating to the seizing of the *Hester*. (Cal. 1698, 1006.) *Copy.* 3 *pp.*

New York. Nov. 29. 1698. 116. IV. Clerk of the Council of New York to Mr. Basse. In spite of the Order of Council, Nov. 25, 1697, showed you by His Excellency, wherein the pretended right of the proprietors of the Jarzies to a freedom of port at Perth Amboy was disallowed, the Governor and Council, understanding that you had laden the *Hester* there and were sending her on a voyage without clearing her at the Custom-house of New York, sent and seized her. But they are willing to restore her, provided you or her master take her clearing from the Custom-house

1698.

here and refund the charges the Government has been at. *Signed*, B. Cosens. 2 *pp.* *Copy.*

Dec. 5.
Perth Amboy

116. v. J. Basse to the Clerk of the Council of New York. Yours of the 29th will be considered by the first Council I shall call. Meantime I can only say the Proprietors of East Jersey by their instructions positively command me not to enter, clear, give bond, security or anything that may pay an acknowledgment to your port either for the *Hester* or any other vessel, which instruction is not drawn without the mature advice of persons learned in law. I cannot doubt but that I shall be secured in my obedience to my instructions, and the Act of the 25th Caro. II. will justify me in my pretensions. *Signed*, J. Basse. *Copy.*

Aug. 26.
1698.

116. vi. Col. W. Romer to the Earl of Bellomont. In obedience to your orders I left on May 3 for the frontiers of New York. The town of Albany lies on Hudson's River, 144 miles from New York: Schanegtadie 20 miles west of Albany on the Great River of the Maquas. The fortifications of these important frontiers are neglected, consisting of wood and palisades: they should be of stone and proportioned to their importance. For I consider that if these two places came at any time into the enemy's hands, the Provinces of York, Jersey, Pennsylvania and Connecticut would be obliged in a short time to submit, and that forthwith Maryland, Virginia, and New England would suffer severely, and as York is the mart of all the islands for corn, grain, and provisions, they would be much injured too. As for Kanestigionne, 12 miles N.W. of Albany, built on the Great River of the Maquas, and Half Moon, 12 miles N. on Hudson's River, they ought to be regarded as the bounds of the frontiers towards New France and so of great use in time of war to preserve communications with the two chief frontier-ports above-mentioned. A good guard should be kept at them or a redout of stone to hold thirty or forty men in case of necessity, and in time of war a good palisade, well flanked, to serve as a refuge of the neighbouring inhabitants. Cheragtoge, 28 miles N. of Half Moon on Hudson's River, I failed to reach, but I gathered the seven farms and the fort made in Leisler's time were utterly ruined during the war. The French pretend it belongs to them, though we have had possession for many years. It would not be amiss to build a small palisade fort with a small stone tower in the middle to maintain possession and encourage the planters to return and settle. In time it will be possible to clear the country of forest and establish proper communications. *Signed*, W. Romer. *Copy.* 3 *pp.* *French.*

Nov. 22.
1698.
Boston.

116. vii. Address from the Lieutenant-Governor, Council and Assembly of Massachusetts Bay inviting the Earl of

1698.

Bellomont to visit them. Copy. *Signed*, Wm. Stoughton, Nathaniel Byfield, Speaker; Isaac Addington, Secretary.

Nov. 24. 1698. New Hampshire.

116. VIII. Members of Council and Assembly of New Hampshire to Earl of Bellomont. We cannot wait the happy day of your arrival here to inform you that General Allen, since he took the administration upon him, has, contrary to his promise, turned out of office sundry very fit persons and put others of Mr. Usher's creatures in their room, and such as favour his claims. Whereby His Majesty's authority is likely to be used to promote his claim to the property of our lands and the disresting good subjects in their quiet and peaceable possessions, so that without present relief many of the principal inhabitants must leave the province. *Signed*, *Council*:—John Hinckes, Richd. Waldron, Henry Green, Nath. Weare, Peter Coffin. *Assembly*:—John Pirkeim, Speaker; John Tuttle, Samuel Keais, John Plaisted, Theodore Attkinson, Saml. Learell, Henry Vow, John Smith, Joseph Swett, William Furbur, James Davis, William Samey. *Copy.*

1699.

116. IX. Lord Bellomont's reasons for displacing Col. Thomas Willet from the Council. He advised Col. Fletcher's frequent embezzlement of revenue. He advised and consented to a pirate bringing his ship and spoils into the port of New York, and connived at Col. Fletcher's public acceptance of that ship as a present, as well as of large sums, for the protection of these and other pirates. He connived at Col. Fletcher's neglect of the frontiers during the war. He concealed sums of money and treasure brought by known pirates from the Red Sea. *Signed*, Bellomont. 3 *pp.*

116. X. Earl of Bellomont's proclamation for administering the oaths, test, and association to the male inhabitants of New York under sixteen years of age. *Printed copy.*

116. XI. Circular letter of the Earl of Bellomont to the Justices of the Peace to be careful and expeditious in administering the oaths, test and association. *Copy.*

116. XII. Deposition of Thomas and John Parmyter. Five or six days hence we were at James Spencer's house and heard him railing in a scurrilous manner against Leisler's party, saying that they were all rogues and my Lord Bellomont was no better for taking their parts and that he did not care one fig for him. John Parmyter said: "Suppose my lord should hear you through this window." Spencer answered: "God damn his blood; he would shoot my lord or anybody else who should appear at his window," and swearing to his negroe, bade him fetch him a blunderbuss, and so railing went out of the company. *Copy.* [*Board of Trade.* New York. 8a. *Nos.* 11, 11 I.-XII., *and* (*without enclosures*) 53. *pp.* 283-291.]

1699.
Feb. 21.
Custom House, London.

117. Jon. Sansom to Mr. Popple. In reply to yours of this date and Dec. 22, relating to the business of Perth Amboy, I send you a copy of the report to the Treasury finished this day by the Commissioners of Customs. As to the vessel seized by Mr. Randolph in the Jerseys and afterwards tried in the Court of Admiralty of New York, desiring to know the subject and success of that trial the Commissioners have spoke to the master of the ship by whom they were informed Mr. Randolph had sent them account of this matter, and are told by the master that being in distress in his passage home, he threw Mr. Randolph's packet overboard amongst other things, so that the Commissioners are yet without notice from Mr. Randolph. *Signed*, Jno. Sansom. *Endorsed*, Recd. Feb. 22, Read March 3, 169$\frac{8}{9}$. *Enclosed*,

117. i. Report of the Commissioners of Customs to the Lords of the Treasury about the settlement of a port at Perth Amboy. Besides the Act made in the 25th year of Charles II. there is another in the 7th and 8th of the present reign providing that the Commissioners of the Treasury and Customs in England may appoint Officers of the Customs in any city, town, river, port, harbour or creek of or belonging to any of the islands, tracts of land and proprieties when and as often as to them shall seem needful, pursuant to which law, not mentioned in the Council of Trade's representation of Oct. 27, 1697, your Lordships by warrant of Nov. 20, 1696, approved of a Collector at Perth Amboy in East Jersey and another at Bridlington in West Jersey, as recommended by the Surveyor-General of Customs in H.M. Plantations. These officers have instructions to collect the rates and duties imposed by the Act of Charles II. upon tobaccos and other plantation commodities enumerated, shipped or loaden thence for any other of H.M. Plantations, as also to inspect the like commodities which shall be laden in ships bound directly to this kingdom and to attend the delivery of all European goods brought from hence, and prevent the importation thereof from other places, and likewise to take care that all goods be imported and exported in ships qualified according to law. The establishment of a Collector at Perth Amboy was not anyways intended to exempt the inhabitants of New Jersey from the payment of any duties they were before chargeable with to the Government of New York, and are wholly different from those which the Collector of the Customs is charged with at Perth Amboy and are not under our direction, as appears by our report of Aug. 31, 1697, to your Lordships. *Signed*, Charles Godolphin, Walter Yonge, Samuel Clark, Benjamin Overton, William St. Quintin. *Copy.* 2 *pp.* [*Board of Trade.* Proprieties, 2. *Nos.* 50, 50 I.; *and* 25. *pp.* 344-348.]

Feb. 22.
London.

118. Jahleel Brenton to Wm. Popple. In answer to what you this day wrote me about the militia of the colony of Rhode Island, etc., it is thus: By their Charter the General Assembly is empowered to nominate, appoint and constitute so many commanders, governors and military officers as to them shall seem requisite, for the leading, conducting and training up the inhabitants in martial affairs, etc. But the General Assembly have given up to the militia this power of nominating and appointing commanders and military officers, and accordingly every year the militia choose their own officers. *Signed,* Jahleel Brenton. *Endorsed,* Recd. Feb. 22, Read Feb. 27, 169$\frac{8}{9}$. [*Board of Trade.* Proprieties, 2. *No.* 51; *and* 25. *p.* 340.]

Feb. 23. Kensington. **119.** Order of King in Council, referring the petition of Edward Palmes and John Hallam to the Council of Trade. *Signed,* John Nicholas. *Endorsed,* Recd. Read Feb. 27, 169$\frac{8}{9}$. *Enclosed,*

119. i. Petition of above. Their good ship, the *Liveen*, was seized in the harbour of New London, June 16, 1691, under colour of an order of the County Court, by Samuel Fosdick, FitzJohn Winthrop and Richard Christopher, without any action having been brought in any way concerning that ship. The petitioners brought an action last September in the County Court, and were non-suited on pretence of the Statute of Limitation, though John Winthrop had been out of the colony more than four years then. On application an appeal to the Court of Assistants was refused. Petitioners pray for an order to the Government of Connecticut to take care that their appeal be now admitted, and in case the petitioners find themselves aggrieved by the judgment of that Court and appeal to your Majesty in Council that that appeal shall be admitted. *Copy.* 2 *pp.* [*Board of Trade.* Proprieties, 2. *Nos.* 52, 52 i.; *and* 25. *pp.* 350-354.]

Feb. 23. **120.** Order of King in Council, referring the petition of John and Nicholas Hallam, merchants of Connecticut, to the Council of Trade and Plantations. *Signed,* John Nicholas. *Endorsed,* Recd. Read March 6, 169$\frac{8}{9}$. *Enclosed,*

120. i. The petition of above. The petitioner's mother, a widow, married one John Liveen, who, being *non compos mentis* at the time, willed the greatest part of his estate away from the petitioners and their mother. If the will be set aside, there being no heir at law or next of kin, the estate will be escheated to the King, whom the petitioners pray to grant them his interest and title therein. *Copy.* 2 *pp.* [*Board of Trade.* Proprieties, 2. *Nos.* 54, 54 i.; *and* 25. *pp.* 340-342.]

Feb. 23. **121.** Petition of the Agent of New York to the Council of Trade and Plantations. The forces of New York are in great want of recruits, who may with ease be raised now on the disbanding part of the forces in England. The fittest time and way to transport them to New York will be in the Guard Ships or ships hired to bring masts and other stores for H.M. Navy, which will depart towards New England about April. The forces have not received one farthing of pay or subsistence for these twenty-six months past, except £500, but have been subsisted by the Earl of Bellomont's credit with the victuallers, who are not willing to trust any farther. Unless recruits and pay be sent at once the troops will be forced to disperse; the Indians will have no longer alliance with us; the fur-trade will be lost to England and the whole province of New York, which is the key and bulwark of all His Majesty's colonies on the mainland of America, will be exposed defenceless to the attempts of an enemy. *Signed*, T. Weaver. *Endorsed*, Recd. Read Feb. 24, $169\frac{8}{9}$. 1 *p.* [*Board of Trade.* New York, 8A. *No.* 12; *and* 121. *duplicate*; *and* 53. *pp.* 257, 258.]

Feb. 23. Kensington. **122.** Order of King in Council, referring to the Council of Trade the petition of Francis Brinley of Rhode Island, who prays His Majesty's order to the Judge of the General Court of Trials at Newport to allow him to try his title upon a new ejectment to three acres of land claimed by one Charles Dyer, or to be allowed to appeal. *Signed*, John Nicholas. *Endorsed*, Recd. April 14, Read April 21, 1699. *Enclosed*,

122. I. Copy of petition of Francis Brinley.

122. II. Memorial of same in support of his petition. *Signed*, Francis Brinley. 2 *pp.* [*Board of Trade.* Proprieties, 3. *Nos.* 9, 9 I., 9 II.; *and* 25. *pp.* 404-406.]

Feb. 23. London. **123.** Proprietors of Carolina to Josiah Blake, Governor "of that part of our Province of Carolina that lies South and West of Cape Fear." We transmit his Majesty's instructions for the better putting in execution the several laws that concern the Navigation and Trade of H.M. Colonies in America, and directions from the Lords Justices for the Naval Officer in order to his being a check upon H.M. Collector of Customs. We expect daily to hear of the arrival of Major Daniel's brigantine and to have some account of your affairs. *Signed*, Bathe Palatine, M. Ashley, Bathe for Lord Carteret, Wm. Thornburgh for Sir John Colleton, Wm. Amy, Wm. Thornburgh.

124. A similar covering letter to Nicholas Webb, Governor of the Bahama Islands. *Prefixed*,

124. I. Lords Justices of England to the Lords Proprietors of Carolina. His Majesty having been informed that the Naval Officers, persons appointed by the Governors of Plantations to take bonds and give certificates for clearing of ships, have generally neglected to comply with the direction of the late Act of Parliament for preventing frauds and regulating abuses, hereby orders that they shall give security for the due discharge of their trust to such person as shall be appointed by the Commissioners of Customs and that no certificates for clearing ships be admitted to be valid if signed by the Naval Officer of the Province without the concurrence of the Collector of Customs there appointed. Tho. Cantuar, Pembroke, Devonshire, Dorset, Marlborough. Nov. 13, 1698.

Jan. 22. Kensington. 124. II. James Vernon to the Lords Proprietors of Carolina. I am directed by His Majesty to take especial care that

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the Commander-in-Chief for the time being of his province of Carolina inform himself of the principal laws relating to the Plantation Trade:—(i) Act of Navigation (12 Charles II.); (ii) Act for preventing frauds in the Customs (14 Charles II.); (iii) Act for encouragement of trade (15 Charles II.); (iv) Act for regulating the Plantation Trade (22 and 23 Charles II.); (v) Act for better securing the Plantation Trade (25 Charles II.); (vi) Act for preventing frauds and regulating abuses in the Plantation Trade (7 and 8 William and Mary); and take a solemn oath to do his utmost that they be punctually observed.

He must see that in accordance with the last-mentioned Act Naval Officers give security to the representatives of the Commissioners of Customs. By (i) no goods are to be exported or imported out of or into any of our possessions in America in any vessel not belonging to the people of England, Ireland, Wales or Berwick or not built in and belonging to any of our said possessions, or whereof the master and three-fourths of the mariners at least are English. By this is to be understood that the crew shall be such during the whole voyage except in case of sickness or accident. By (iv) vessels are not to be allowed to load cargos upon certificates of bonds given in Ireland. The Governor must carefully examine the certificates of ships giving security in England to bring their loading of Plantation goods to English ports and see that the security for similar bonds given in Carolina are good. Bonds must be given to carry such goods to some of our Plantations, England, Wales or Berwick and to no other place. He must transmit every three months to the Commissioners of Customs a list of all ships trading within Carolina, with copies of invoices of their lading. *Other directions of the same kind for enforcing the laws intended to secure the trade and province to the native-born subjects of King William. Signed,* Ja. Vernon. *Six large pp. Annexed,*

124. III. Form for list of ships entered and cleared in Rapahanuck, Virginia. [*Board of Trade.* North Carolina, 4. *pp.* 58-67.]

Feb. 23
Boston

125. Minutes of Council of Massachusetts. Leave granted to Joshua Gee of Boston, shipwright, to build a house of timber with a brick front. Mary Gardner, of Salem, whose husband is supposed lost at sea over three years ago, permitted to marry again. Treasurer ordered to pay half the cost of repairing the Town House (£139 6*s.*) to Nath. Byfield, Simeon Stoddard and Isaiah Tay. [*Board of Trade.* New England, 49. *pp.* 194, 195.]

Feb. 23.

126. Journal of Council of Trade and Plantations. Orders of Council of Feb. 9 and 16 read.

Mr. Churchill, stationer, and the officer of the Post-house ordered to bring their accounts.

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Col. Bayard, desiring a hearing upon his late petition, was informed that His Majesty had some time past removed him from being of the Council of New York, and no charge was at present depending at this Board against him.

Feb. 24. Letter to Mr. Secretary Vernon signed, enclosing memorial from Mr. Weaver, Agent for New York, relating to recruits and money for the forces there.

Mr. Lucas opened the case he had previously presented in writing.

Representation upon passes signed and transmitted to Mr. Secretary Vernon. [*Board of Trade.* Journal, 11. *pp.* 398-400; *and* 96. *Nos.* 33 *and* 34; *and* Trade Papers, 14. *pp.* 197-199.]

Feb. 23-25. James City. **127.** Minutes of Council of Virginia. William Byrd was sworn into the Council. Ralph Wormeley and Richard Johnson unable to attend through sickness, and Benjamin Harrison because of his wife's death. Capt. Miles Cary appointed deputy-surveyor of Warwick and Elizabeth counties during William Lowry's absence in England. Navigation bonds and other papers left by William Randolph, the late Attorney-General, were delivered to his successor, Bartholomew Fowler, who, on the petition of John Wicket of Charles City County was ordered to prosecute James Minge, Clerk of that County, for taking illegal fees. John Taylor claiming the office of Clerk of that County Court, but being hindered from obtaining it by Minge, who had also begun a prosecution against him and Charles Goodrich but would not proceed with it, ordered that John Taylor and James Minge be suspended and the Attorney-General prosecute Taylor and Goodrich on Minge's charge. Richard Bradford, complaining against Minge for neglect of his office was left to his remedy at law. On the petition of Richard Bland and Robert Bolling, magistrates of Charles City County, a new Commission of the Peace was issued adding Capt. William Hunt, Micajah Low, Richard Bradford and Joshua Winn. Mr. Auditor Byrd presented the accounts of the public revenues, showing £4,793 14*s*. 7½*d*. debit, and £160 credit received since last account. The account of the quit-rents showed a sum of £4,405 19s. due to His Majesty. Petition of some inhabitants of Wilmington to be taken into James City Parish, Lord Bellomont's letter and Col. Cadwallader Jones' proposition, both relating to a new trade with the Indians, referred for consideration till the meeting of a General Assembly. Writs for an Assembly to meet at James City, April 27, ordered and signed. A message from North Carolina about surveying and settling the bounds of the two colonies referred till the Assembly meets, and the representatives of North Carolina invited to attend on April 27. The sheriffs ordered to take care that all elections of burgesses be fairly made. Resolved that the establishment of an office for marine affairs be recommended to the Assembly. Consideration of H.M. commands relating to a Court of Exchequer, of the state of the revenues and fortifications, and of an Act for the Militia, referred to the next Assembly. John Tullit ordered to repair and fit up his house, where Mrs. Sarah Lee, *alias* Smith, used to live, for the use of the next General Assembly. William Byrd and Edward Hill ordered to

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view the fortifications at James City, and Edward Jenings and Matthew Page those at Yorke and Tindall's Point, and to examine the Gunners' accounts. The Commanders-in-Chief of the Counties ordered to return accounts of arms and ammunition. Attorney-General ordered to prepare a regular and practical method of granting escheat lands: petitions of John Smith, George Jordan and Abraham Edwards, for the escheat of lands, held over till that should be done. Proclamation ordered that all claims to lands in Pamunkey Neck or South of the Black Water Swamp be made before the end of next General Court. Petition of David Jones against Peter Heyman referred to the Attorney-General. Henry Fox, Capt. William Clayborne, Capt. Willis Wilson, James Howell, John Waller, and Richard Anderson added to the Commission of the Peace for King and Queen County. Matthew Driver's information against illegal traders entered in the Council Books. Letters from the Commissioners of Customs for the discharge of two navigation bonds read and sent to the persons concerned. Ordered that, at the time for taking the lists of tithables, lists of all people of what age, sex, condition or religion soever they be, be taken too. Inquiries ordered to be made as to what seals are in use in this colony and what warrants there are for using the seal of the colony. Mr. Attorney-General ordered to consider whether the Council be a Court of Record and its books records. Warrant signed for £400 to Mr. Commissary Blair on account of arrears. Edmund Jenings, Collector and Naval Officer of York River, Edward Hill, of the Upper District of James River, and Peter Heyman, of the Lower District of James River, made oath to their accounts of 1*d.* per lb. due to the College of William and Mary in Virginia. Capt. Miles Cary, appointed Surveyor-General of the Dominion by the trustees and founders of the college, was sworn to the due execution of his trust. Fees in the Court of Admiralty were ascertained till further order as follows :—To the judges 5 per cent., to the register 2½ per cent., and to the marshal 2½ per cent., upon the sum decreed to be paid; Edward Hill was sworn Judge of the Court of Admiralty; Miles Cary, Register; John Taylor, King's Advocate; Michael Sherman, Marshal. Capt. Willis Wilson petitioning to be reimbursed for his expenses in endeavouring to save H.M.S. *Swift* and H.M. Ketch *Row*, the rigging, tackle, etc. of these vessels ordered to be sold and the auditor to adjust all claims. Capt. John Aldred, commander of H.M.S. *Essex Prize*, transmitted to H.E. an account of the condition of his ship, and what men he had pressed by virtue of a warrant received here, and a copy of his instructions. Mr. George Blighton, appointed agent by the Earl of Romney to receive for him His Majesty's part in all prizes carried into Virginia, directed to make his claims next Council when his letters of attorney had been proved. The Indian Interpreters ordered to bring the several Nations of Indians on May 1st to pay their tribute to H.E. at Middle Plantation. Attorney-General ordered to prosecute Samuel Thompson, the Sheriff of Westmoreland, for not apprehending John Cood according to his duty. William Thompson, his father, who had written to offer excuses for him, ordered to attend on April 17. Proclamations ordering the release of certain French prisoners named in the

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Lords Justices' letter of Sept. 20, 1698, and the apprehension of John Cood ordered to be prepared. [*Board of Trade.* Virginia, 53. *pp.* 167–181.]

Feb. 24. Whitehall. **128.** Council of Trade and Plantations to Mr. Secretary Vernon. In our letter of Dec. 8 we desired you to lay before His Majesty some things relating to the Five Nations of Indians in the neighbourhood of New York, who have always lived in a dependency and subjection to the Crown of England. We added our humble opinion that the said Indians ought to be preserved and supported by His Majesty by being comprehended in the general Peace and otherwise protected as to His Majesty should seem fit. Having understood from you that the matters in difference between His Majesty and the French are now under consideration, and it seeming necessary that the Province of New York, with reference to our Indians, be in the present conjuncture particularly taken care of, we are the rather induced to pray you to lay before His Majesty the enclosed Memorial. (No. 121). We understand from the Earl of Bellomont that 250 or 300 men will be necessary for the filling up of the companies there, which are by establishment four companies of foot of 100 men in each. Without such recruits and payment as proposed by the memorial, that province will be exposed at this time to attempts which may be very prejudicial to His Majesty's right in those parts and ruinous to our Indians. *Signed,* Tankerville, Ph. Meadows, Wm. Blathwayt, Jno. Pollexfen, Abr. Hill. [*Board of Trade.* New York, 8A. *No.* 12A; *and* 53. *pp.* 258, 259; *and* 44A. *No.* 28.]

Feb. 27. James City, Virginia. **129.** Governor Nicholson to Council of Trade and Plantations. I wrote to you on the 4th, giving an account of this Colony. On the 23rd the Council met, but only five councillors, some of them making excuses, but Col. Richard Lee, living upon Potomoke, and Col. Charles Scarborough, upon the eastern shore, I did not hear from. We did nothing but what was of present absolute necessity—the calling of an Assembly to meet (God willing) here about April 27. And for several reasons we concluded they could not meet before, though there are several things of importance to be laid before them, as several of H.M. Royal Instructions to me, the great debt upon the 2*s.* per hogshead, and several others both of money and tobacco, which are owing by the country, the necessity of building a new State-House, etc., the insufficiency of the fortifications (but I think they never did deserve the name) and of the Militia, the settling the bounds betwixt this place and N. Carolina, about a discovery and trade with the foreign Indians, the settling an office for the Marine affairs, etc. I intend (God willing) to transmit to you the Journal of Council after my return from Maryland, but send herewith three proclamations, as I find the Secretary has not done so. Neither he nor his deputy living in town is the reason why they are attested by the clerk of that office. I enclose an authentic copy of a writ for electing burgesses. *Signed,* Fr. Nicholson. *Endorsed,* Recd. May 10, Read May 19, 1699. 3 *pp. with abstract. Enclosed,*

129. I. Copy of Col. Nicholson's protest upon Sir Edmund Andross' refusal to deliver him the public papers in his possession.

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129. II. Copy of a proclamation for continuing all officers, Civil and Military, upon Col. Nicholson's entering upon the Government.

129. III. Copy of a proclamation, giving the names of some French prisoners and requiring information about them. 2 *pp.*

129. IV. Copy of a Proclamation for the apprehension of John, (sometimes called Parson, Capt or Col.) Cood on charges of horrid impious blasphemy and contriving rebellion in Maryland. His morals are described as rendering him not fit for human much less Christian society, and his appearance as deformed, club-footed, with a face resembling that of a baboon. 3 *pp.*

129. V. Copy of a writ for electing burgesses to serve in the Assembly. *Enclosures all endorsed as letter.* [*Board of Trade.* Virginia, 6. *Nos.* 75, 75 I.-V.; *and* (*without enclosures*), 37. *pp.* 325 329.]

Feb. 27. **130.** Draft of orders of the King in Council to Lord Bellomont. The Commissioners appointed by us and our good brother the most Christian King in pursuance of the 8th Article of the Treaty of Ryswick, have met and taken into consideration the advices that are lately come from those parts and the letters that have passed between you and the Sieur de Frontenac in relation to the Indians inhabiting between the two Governments of New York and Canada, for preventing any differences and animosities that may arise on this account, whereby the friendship and good correspondence established between the two Crowns may be any way lessened or altered. The Commissioners have agreed that the Governors of the said provinces shall be severally required and obliged to forbear all hostilities or acts tending thereto, and further that they oblige the Indians on both sides to live in peace and friendship one with one another, and that they take care that the prisoners taken by the Indians shall forthwith be released on both sides and be permitted to return to their own habitations, as also that the hostages detained at Quebec shall be set at liberty and have free leave to repair home. The Governors shall likewise advise of the methods they judge most proper for restraining the Indians on both sides from falling into new quarrels and shall interpose their authority to compose their differences. You are forthwith to concert measures with the Governor of Canada how these agreements may be mutually and effectually put in execution. *Not signed.* 2 *pp.* *In Mr. Secretary Vernon's hand.* [*Board of Trade.* New York, 8(a). *Nos.* 13, *and* 13(i) *duplicate.*]

Feb. 27. **131.** Receipt from the master of the *Betty* for a letter (Feb. 2) from the Council of Trade and Plantations to the Earl of Bellomont. *Endorsed,* Rec. March 21, $169\frac{8}{9}$. $\frac{1}{4}$ *p.* *Signed,* Jonas Motay (?). [*Board of Trade.* New York, 8A. *No.* 13A.]

Feb. 27. **132.** Minutes of Council and Assembly of Montserrat. Isabel Scheurman, *alias* Marrow, obtained judgment against Thomas Pakenham (Feb. 7) for one negro woman and two negro children. Execution now granted. Major John Scott and Capt. Joseph Littell

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chosen Coroners for the Island. Joint Committee of the Houses "to adjust the Public Accounts" appointed. Ordered that writs be issued to one of the Council and two of the Assembly to take the names of all whites, from 16 to 60, and blacks from birth upwards, in order to raise a levy. The debts due from inhabitants to the public treasury were assigned to Capt. William Frye, who made the highest bid, 16,000 pounds of sugar, for them. This sum ordered to be paid half to Richard Molineux and half to James Cruickshanke. [*Board of Trade.* Leeward Islands, 64. *p.* 540.]

Feb. 27. **133.** Journal of Council of Trade and Plantations. Letter from Mr. Brenton relating to the election of officers in the Militia of Rhode Island read.

Order of Council of Feb. 23, upon petition of John and Nicholas Hallam, of Connecticut, read, and Mr. Wharton desired to shew what legal evidence or judgment they have that the person who died possessed of the estate which they set forth to be escheated to the King was *non compos mentis* at the time of making his will.

Progress made with report on Col. Fletcher's business.

Feb. 28. Letter from Sir Wm. Beeston, Jamaica, Dec. 5, read. Enquiry ordered to be made of the Jamaica Agents what inconveniences are likely to arise in Jamaica from the clause in the Act for settling the trade to Africa therein mentioned, and what remedies they consider possible.

Letter from Capt. Webb, Bahama Islands, Oct. 14, read.

Representation upon the subject of a memorial from Leghorn, that the Jews may have the privilege of trading thence to Alexandria in English ships with the advantages allowed in Turkey to the English banner, signed. [*Board of Trade.* Journal, 11. *pp.* 401, 402; *and* 96. *Nos.* 35 *and* 36; *and* Trade Papers, 14. *pp.* 199-202.]

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New York.
Dec. 15.
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134. Governor the Earl of Bellomont to the Council of Trade and Plantations. I have given your Lordships the trouble of many letters since being in this Government, but I have yet a business of greater consequence to apply to you about, which is administration of justice. That which is the very soul of government goes upon crutches in this province and deserves your Lordships' immediate care and redress above all things whatsoever. Col. Smith, one of the Council, is Chief Justice of the province, but is no sort of lawyer, having been bred a soldier. He is a man of sense and a more gentleman-like man than any I have seen in this province, but that does not make him a lawyer. Then he lives four-score miles off and comes but twice a year to this town at the times of the Supreme Court's sitting, just to earn his salary, which is £100 per annum sterling, and so is of very little use or service to the Government, whereas a man in that station ought to be a lawyer, and a man of great integrity and resident in this town, to be always ready to assist the Government. As to the men that call themselves lawyers here and practise at the Bar, they are almost all under such a scandalous character, that it would grieve a man to see our noble English laws so miserably mangled and prophaned. I do not find that a man of 'em ever arrived at being an Attorney in England. So far from being barristers, one of them was a dancing master; another a glover by trade; a third, which is Mr. Jamison, was condemned to be hanged in Scotland for burning the Bible and for blasphemy; a fourth, which is Mr. Nicholls, your Lordships have had his character formerly from me, and there are two or three more as bad as the rest. Besides their ignorance in the law, they are all, except one or two, violent enemies to the Government, and they do a world of mischief in the country by infecting the people with ill principles toward the Government. Now that there is a prospect of doubling the revenue, I am humbly of opinion we ought to have good judges sent from England and King's Counsel to mind the interest of the Crown. The lawyers here do so prey on the people that 'tis a melancholy thing to hear how unequally justice is and has been distributed in this province, insomuch as I am told a suit at Common Law is more expensive and dilatory here than in England. We cannot hold a Court of Exchequer here, not a man in the province knowing in the least what belongs to it, and an Exchequer would be of great use in this province. If justice were duly and impartially administered here, it would be a great inducement to people to transplant hither and settle in the province. I believe my Lord Chancellor of England would be apt to join with your Lordships in laying a scheme for the furnishing us with judges and other lawyers, and for contriving a maintenance for them. I know his Lordship has a very public spirit, and I humbly conceive the recommending of persons to all employments in the law is what is due to the station he is in. *Signed*, Bellomont. *Endorsed*, Recd. Feb. 21, Read Feb. 28, 169$\frac{8}{9}$. 2 *pp*. [*Board of Trade*. New York, 8A. *No*. 14; *and* 53. *pp*. 260-262.]

Feb. 28. **135**. Abstract of above. [*Board of Trade*. New York, 8A. 14 I.; *and* 45. *pp*. 31-32.]

(Before March 1.) **136**. Hudson Bay Company to the King. We humbly pray that your Majesty will be graciously pleased to protect your petitioners in their rights and properties and command your Commissioners now ready to meet the French Commissioners not to depart from your Majesty's sovereign right to Hudson's Bay inherent in your Imperial Crown, nor from the rights and properties of your subjects the petitioners. *Signed*, Step. Evance, R. Nicholas, John Nicholson, John Bromwell, Will. Trumbull, Governor; Samuel Clarke, Deputy Governor; John Pery. *No date*. 1 *p*. [*America and West Indies*. Hudson's Bay, 539. *No*. 10.]

March 1. **137**. Hudson's Bay Company to the Lords Commissioners (Earls of Pembroke, Bridgewater, Portland and Tankerville and Mr. Secretary Vernon) appointed to treat with the French (Count Tallard, M. Darbos and M. Davegou). The Governor and Company of Adventurers of England trading into Hudson Bay being ready to make out the title of the Imperial Crown of England to all the places claimed in Hudson's Bay, wish to know whether the French, if that is established, will pretend to no other advantage of concessions in the Treaty of Ryswick, but admit the controversy is at end. They premise that in submitting his title to be examined, His Majesty does not submit it to arbitration or yield to a possible

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obstinacy of the French. The Company desires to reserve all right and claim of propriety they may have, but, if the French Commissioners can prove a better right, the Company will quit their claims provided the French will undertake to do the like *mutatis mutandis*. *Signed*, Saml. Clarke, Dep. Governor. [*America and West Indies.* Hudson's Bay, 539. *No.* 8.]

March 1.
Philadelphia.

138. Col. Quary to Council of Trade and Plantations. This is the fourth time I have had to trouble you, every week producing new matter which I think myself obliged to represent very faithfully. I was in hopes that before this I should have received your orders and directions, the want of which makes this Government to all the extremes of opposing and affronting the King's law and authority, nor can they forbear scurrilous reflections on his sacred person, too, as appears by the enclosed depositions, by reason of which I was forced to hold a Court of Admiralty 40 miles from this place. I enclose copies of the proceedings. I might as well have stayed at home, since no obedience is paid to the orders and decrees of the Court. The whole Government are concerned in exposing and possessing the people that all the acting and proceeding of the Admiralty is arbitrary and illegal, so that there is no obedience paid to it. Amongst other matters determined in that Court one was a prize brought in during the war. It was never condemned, but the ship lost and almost all the goods embezzled. Part of what goods was left was in Governor Markham's hands and some in the Sheriff's. The ship was adjudged lawful prize, and the Court ordered this to be sold and paid into the hands of a person who produced a commission from the Commissioners of Prizes, but the Governor refuses to deliver without an order from Mr. Penn and ordered the Sheriff to do likewise. His example hath such influence on all others that they will not give any obedience to any orders of the Court. Let me remind you of the steps they have taken in opposing and affronting the King's laws, authority and person. They made a law purposely to destroy the power of the Court of Admiralty, but that mortal blow could not reach that Court without first wounding an Act of Parliament. It is true they dressed their pernicious Act with fair pretences of serving the King, but only to hide that wicked cause of destroying the power of the Admiralty which they very well knew would be fatal to their beloved illegal trade. The Act lies before your Lordships, whose wisdom will easily look through their cobweb pretences and discover their cloven foot. Next they threatened and discouraged me and the rest of the officers from executing the powers of the Commission and, failing, by virtue of a warrant from a Justice of the Peace, one Anthony Morris, a Quaker [they] forcibly entered into the King's store and took out the goods that were seized by the King's Collector as prohibited and imported contrary to law, and delivered them to the person who illegally imported them. They even brought an action against the Marshal of the Court for detaining their goods; he expects daily an execution against him and to be thrown into gaol. Next they affronted His Sacred Majesty in open Court, all the Justices sitting, the particulars of which barbarous disloyalty and horrid impudence I refer to the enclosed depositions and will send 20 more of them if you desire.

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Next they said in open Council, by the mouth of Mr. David Lloyd, a Quaker (the same person that affronted the King in open Court), that all those who encouraged the setting up of a Court of Admiralty were greater enemies to the liberties and properties of the people than those that set up ship-money in King Charles the First's time. Next they endeavoured to persuade all others from submitting to the Admiralty Courts, and now have set up a Court of Admiralty of their own. I have here sent you a copy of the warrant by which they have arrested a ship and proceeded against her at their last sessions. Their Justices endeavoured all they could to persuade the Grand Jury to present all the officers of the Court of Admiralty as enemies to the Governor and Friends, as they call themselves, assuring the Jury that if they would present them that the Court would take effectual course with them. I am sure they would have fined us all to our ruin, and though they have missed their aim now, they will find some other way to effect their malicious purpose unless you very speedily interpose your authority and protect us. I am already out of pocket in executing the powers of the King's Commission at least £30, and have not received the value of 6*d.* directly or indirectly. I dare not take a penny [in] fees, though there be a [scale?] of fees settled in New York, for should I take any without a law to warrant me they would immediately present me at their sessions and fine me to my ruin. All the King's Governments in America and the Proprietors, except this very place, pay respect to the Commission of the Admiralty and justify them in the due execution of all the powers of their Commissions. In the province of Maryland, Governor Nicholson hath so effectually settled the Court of Admiralty that all matters relating to the Act of Trade and Navigation are fixed and judged in that Court to the great satisfaction of all persons. It is no small addition to our hardships that His Excellency is now a greater distance from us, who was the only person we could apply ourselves to for advice, without whose favour and protection the King's interest had been extirpated and sunk here long since. Amongst other seizures made here by the King's Collector was a sloop, seized as not navigated according to law. The merchant, one Moorehead, a Scotch trader, petitioned that the sloop lay at great demurrage and that some of the goods were perishable, and therefore prayed there might be a special warrant granted, and that he would give security to answer the value of the appraisement in case the sloop was condemned at the next Court of Admiralty. Petition was granted and security taken (*copy enclosed*). The sloop was condemned (*copy of proceedings enclosed*). Moorehead came into Court and said that he appealed home to the High Court of Admiralty. I told him that before his appeal could be entered there must be good security given not only for what the sloop was appraised at, which was not a quarter of his value, but also for all damage and cost of Court. He refused, but a week after came to my house and told me he was ready to give security and desired that his appeal might be entered. I replied that I could do nothing without the Register and the other officers of the Court, and that if he would come in the afternoon and bring security I would summon the officers and make a Court, but he never came. I cannot put his bond in suit, there being no person in this country that will prosecute for the King, though David Lloyd acts as the King's Attorney-General, signs himself so and takes all the fees, yet refuses to put in suit anything for the King. I humbly beg your Lordships' direction in this case. I have with much difficulty persuaded the officers to continue in the execution of their respective places till I can hear from you. They are very apprehensive this Government will by one means or other ruin them. If they should be forced to lay down it will be impossible to get any person here to accept of them, which is what this Government are at. *Copy. Signed,* Robt. Quary. *Endorsed,* Recd. May 1, Read May 16, 1699. 5 *pp.* *Enclosed,*

138. I. Copy of bond given by John Moorehead for the sloop *Jacob* of Albany, Francis Bassett, master, seized by John Bewley, Collector, for illegal trading. *Signed* by above and James Coutts, J. Moore.

138. II. Affidavit of Robert Webb, Marshal of the Court of Admiralty. At a Court of Common Pleas, Sept. 9 and 10, 1698, in Philadelphia, my Attorney, Mr. John Moore, on producing my Commission was stopped by one David Lloyd, a Quaker, Attorney-General (as alleged) who scurrilously said: "What hast thou got there, John? A fine Baby! Dost think we are afraid of a Baby" (pointing at the King's effigies in the beginning) "and a Pinn Box?" (*the Great Seal*). He said it was no King's Commission and could prove it, and holding it up in his hand scoffingly exposed it to the laughter of the people. *Signed,* Robt. Webb, Marshal.

138. III. Affidavit of Sam. Holt to the same effect.

138. IV. Copy of a warrant to attach the ship *Wm. Galley* so that the master and owners may appear at the County Court, Philadelphia. *Signed,* Anthony Morris.

138. V. Copy of proceedings of the Court of Admiralty at Newcastle, Pennsylvania, Nov. 10, 11, 12, 1698. 6 *pp.* *Attested by* Sam. Weaver, Deputy Registrar. [*Board of Trade.* Proprieties, 3. *Nos.* 16, 16 I.-V.; *and* (*without enclosures*) 25. *pp.* 426-431.]

March 1. **139.** Journal of Council of Trade and Plantations. Some of the papers referred to in Lord Bellomont's letter of Oct. 21 read.

March 2. Progress made with report on Col. Fletcher's case.

Letter ordered to Mr. Secretary Vernon proposing that in the letter now under consideration of the English and French Commissioners to be writ to Lord Bellomont and the Governor of Canada, a clause be inserted requiring them to forbear from any acts of hostility by sea as well as land.

Mr. Lucas informed that a report would be made upon his memorial as soon as convenient.

March 3. Bearer of a petition that Capt. John Sutton be recommended to be of the Council of Barbados informed that there is at present no vacancy.

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Letter to Mr. Vernon ordered yesterday signed.

Five papers lately left by Col. Fletcher read and returned.

Letter from Mr. Sansom, Feb. 21, with enclosed copy of the report made by the Commissioners of the Customs to the Lords of the Treasury relating to Perth Amboy read. Letter ordered to enquire what the Lords of the Treasury think fit to do. [*Board of Trade.* Journal, 11. *pp.* 403-406; *and* 96. *Nos.* 37, 38, 39.]

March 2. Fort William Henry. **140.** Minutes of Council of New York. Petition of Dirk Jansen Hooghlandt referred to a committee. Col. Isaac Arnold commissionated, with a salary of £50, to seize prohibited goods, etc. in the County of Suffolk, Island Nassau. John Townsend appointed surveyor and searcher of H.M. Customs at Oyster Bay, Huntingdon, and Musketoe Cave on the Island Nassau, where great quantities of goods are run. [*Board of Trade.* New York, 72. *pp.* 193-194.]

March 2. **141.** Minutes of Council of New York in Assembly. Mr. Gabriell Ludlow, Clerk of the Assembly, took the oaths appointed, and the Assembly was adjourned for want of members. [*Board of Trade.* New York, 72. *p.* 741.]

March 2. Barbados **142.** Governor Grey to Council of Trade. As I never, since my arrival here, have been wanting of informing your Lordships of the circumstances in this part of the world that are any ways conducing to His Majesty's interest, so I cannot omit of laying hold of this opportunity to acquaint your Lordships, how necessary it is at this juncture to have a stronger force, I mean of ships, to preserve the West India trade, since frequent instances are shown of the barbarity of the pirates that infest and disturb the commerce of these seas. There is but one small frigate allotted for the guard of this island, a heavy sailer, and in case of necessity, in my opinion, would be but of little service; two are absolutely necessary for the security of our trade, the consequence of which your Lordships are too good judges of, for which reason I don't doubt but it will be represented in its true light to the King, whose Customs will be considerably advanced by it. One should be of between 40 and 50 guns, and the other of 20 or 30, that your ships in the road may be safe, while one of 'em is continually cruising upon the pirates. I insist the more upon this, because I have lately received orders from Mr. Secretary Vernon to use all the endeavours I can to suppress 'em, which I can never be able to do, without such an assistance as I have already mentioned, for which reasons I don't doubt but your Lordships will use your interest with the King that our necessities may be considered, which will be a great obligation upon this island and, my Lords, to your Lordships' most humble servant. *Signed,* R. Grey. *Endorsed,* Recd. 8th, Read 10th May, 1699. 1 *p.* [*Board of Trade.* Barbados, 7. *No.* 77; *and* 44. *pp.* 262, 263.]

March 3. Barbados. **143.** Same to the same. I omitted to acquaint your Lordships with the death of Mr. Gibbs, one of the members of the Council; the number now is twelve, which is complete according to my instructions, but in case any other should die, or go off the island and stay so long as to incapacitate him from being any longer a Councillor, I must recommend to your Lordships William Wheeler, Esquire, as a person every way capable of serving His Majesty's interest here, having one of the best estates in the island, and a warmth of zeal to employ it on so good an occasion. He has been of the Assembly for some time and always has given proofs of his loyalty to the King and obedience to his Governors, and in writing this I do him but justice, and I hope no encouragement will be given to any applications that may be made at home in case of the death of any of the Council here, since by that means I shall be deprived of the right of recommending one upon a vacancy I am empowered to do by my instructions. *Signed*, R. Grey. *Endorsed*, Recd. 8th, Read 10th May, 1699. 1 *p.* [*Board of Trade.* Barbados, 7. *No.* 78; *and* 44. *pp.* 264, 265.]

March 3. **144.** Petition of Robert [*sic*] South and Benjamin Dry, citizens and merchants of London, trading with Barbados, to the Council of Trade and Plantations, requesting that Captain John Sutton, a native and inhabitant of that island, may be appointed to the Council of Barbados. *Signed.* Hen. South, Benjamin Dry. *Endorsed*, Recd. Read March 3, 169$\frac{8}{9}$. [*Board of Trade.* Barbados, 7. *No.* 79.]

March 3.
Boston.
145. Minutes of Council of Massachusetts. John Walley ordered to forward goods for trade with the Indians at Merry Meeting, Kennebeck River, early in the spring, according to the agreement made by Col. Phillips. The profit on the transaction to accrue to the benefit of the province. [*Board of Trade.* New England, 49. *pp.* 195-196.]

March 3.
Whitehall.
146. Council of Trade and Plantations to Mr. Secretary Vernon. You having been pleased to acquaint us that some propositions have been made for writing to the Earl of Bellomont and the French Governor of Canada in order to prevent any hostilities between the French and us and our Five Nations of Indians, we mind you of the disturbance given by the French to our fishing ships upon the Eastern Coasts of New England and Nova Scotia, according to the memorials in our letter of Dec. 29, and propose that some expressions should be inserted in the letters to be writ, whereby both sides may be required to forbear from any acts of hostility by sea as well as land. *Signed*, Ph. Meadows, Wm. Blathwayt, Jno. Pollexfen, Abr. Hill. [*Board of Trade.* New England, 37. *p.* 134.]

March 3.
St. John's.
147. Minutes of Council and Assembly of Antigua. It was agreed that provision should be made for those soldiers of Col. Holt's regiment who were sick or incapacitated. Ensign Hume was allowed 1*s.* 6*d.* a day for his mother's maintenance, and Lieut. Thornton 2*s.* 3*d.* a day more for his wife and children. The petitions of Blanch Bowls, widow, for a confirmation of a grant of land belonging to her late husband, in North Sound, and that of William Watters for a grant of waste land in New Division, were granted. [*Board of Trade.* Leeward Islands, 64. *pp.* 299-302.]

March 3.
Whitehall.
148. Willlam Popple to William Lownds, enquiring what the Lords of the Treasury think fit to be done in regard to the claim of the Proprietors of East New Jersey to a port at Perth Amboy. [*Board of Trade.* Proprieties, 25. *p.* 349.]

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149. William Burt to Council of Trade and Plantations. Since our last there are two men, which belonged to the sloops we then mentioned that were taken by the Spaniards at Crabb Island, who escaped in an English brigantine from Carthagine, and believing it necessary [*I*] have taken their depositions, enclosed. In the same brigantine several more Englishmen belonging to a ship called the *Merchant's Goodwill* of London, Capt. Thomas Pyles, master, being a permission ship and bound from Guinea to Carthagine [*which*] was there seized by the Spaniards, which so soon as I understood [*I*] sent for two of the men and examined them and enclose their depositions. They credibly inform me that the Scotch got on very vigorous in their new settlement, having made a very strong fortification on the Spaniards' Golden Island in the Bay of Durin (Darien) and that several thousand Indians has joined with them. *Signed*, Wm. Burt, March 4, 169$\frac{8}{9}$. *Endorsed*, Recd. May 11, Read May 15, 1699. 2 *pp.* *Enclosed*,

149. I. Deposition of Benjamin Hiron, seaman. On Sept. 10 the sloop *Friendship*, master Robert Jones, to which deponent then belonged, being at anchor, together with another sloop of the same name belonging to Captain Philip Brome, also of this island, in the harbour of Portofare on the south side of Crabb Island, about fifty Spaniards well-armed came there in two Spanish launches and surprised the said sloops and carried them with deponent, three Englishmen and four negro slaves, all belonging to the sloops, to Porto Rico and there burned the sloops and made deponent and his comrades captives, putting them on board a leaky ship of 20 odd guns, which with two other ships, one of fifty-five guns and the other of forty odd guns all well-manned and bound from Porto Rico to Laver de Cruze, and there they were kept in severe bondage, being forced to pump both day and night for almost five months. Deponent and another escaped by swimming ashore at Carthagine, and hid four days and four nights without food till the Spanish fleet proceeded on its voyage, when they swam on board an English brigantine and so got their freedom. The men and launches which took the sloops both belonged to the Spanish ships. *Copy.* 2 *pp.* Sworn before William Burt, Feb. 28, 169$\frac{8}{9}$.

149. II. Deposition of Jonathan Meldrum, seaman of the sloop *Friendship*, Henry Hodge, master. *Similar to preceding. Copy.* 2 *pp.*

149. III. Deposition of John Chapman and John Neill, chief mate and gunner of the *Merchant's Goodwill* of London. Their ship was bound from Guinea to Carthagene and arrived on Sept. 27. There they delivered their negroes into the custody of a Portuguese merchant according to orders, but were refused their clearance for England, and on Dec. 25 the Spanish Admiral, who was there with three men-of-war, a Dutch prize and several English captives, came on board and ordered their rudder to be

unhung, in endeavouring to do which they wronged their sternpost, also unhung their foresail and unrigged their foreyard, carrying them on shore. The day following the Governor of Carthagene came on board, took away all their small arms, locked up their great cabin, powder room and hatches, and ordered the captain, two mates and doctor to go ashore, and kept them there two days and two nights at their own charge, and then the Governor delivered them the keys, telling them they might go aboard again if they would. Some few days after the Governor ordered their powder, provision, with some iron bars and two suites of sails to be brought ashore, which was accordingly done. What was the real occasion of their hard usage, they know not. Public report informed them at first that it was because the Spanish King was sick and that the French and Spaniards were to join together against the English; afterwards, that it was because the Scotch was landed on their Golden Island in the Gulph of Darin, by virtue of a commission from the King of England, and that the deponents and their comrades would be kept prisoners till they heard from Spain. But by their captain's consent they privately escaped thence in an English brigantine, who rode there under Dutch colours bound for Jamaica, but put them ashore on the Island of St. Christopher's. *Copy.* Sworn before Wm. Burt. March 2, 169$\frac{8}{9}$. 2 *pp.* [*Board of Trade.* Leeward Islands, 6. *Nos.* 6, 6I.–III.; *and* 45. *pp.* 360–361.]

March 4. **150.** Hudson's Bay Company to the Lords Commissioners. Deduction of the right and title of the Crown of England to all the straits, bays, seas, rivers, lakes, creeks, islands, shores, lands, territories and places whatsoever within Hudson's Straits and Hudson's Bay and of the right and propriety of the Hudson Bay Company derived by letters patents of incorporation, and after grant of all the premisses from King Charles II. 1670. Hudson Bay, with all that belongs thereto within Hudson's Straits, was first discovered by Sir Sebastian Cabott, Grand Pilot to King Hen. VII., who gave English names to several places in the Bay, 1497. Sir Martin Forbisher, who in Queen Elizabeth's time made three voyages to the Bay in 1576, 1577 and 1578, and Capt. Davis, in 1585, 1587 and 1588, both gave English names to several places there. In 1610 Henry Hudson, an Englishman, sailed into the Straits and Bay from him called Hudson's Straits and Hudson's Bay, and keeps that denomination to this day in all the authentic maps in the world and even in the maps of the best geographers of France. Hudson stayed a whole winter there, took possession thereof in the name of the King of England, traded with the savages and gave names to several other parts of the Straits and Bay. In 1612, Sir Thomas Button pursued the discovery and possession of Hudson. He sailed into the Straits and Bay with two ships and particularly into Port Nelson, where he wintered and buried the commander of his ship, in memory of whom he gave it the name of Port Nelson, and called that particular bay Button's Bay, as it is still called in the maps, and took possession thereof in the name of King James I., and gave several other English names to several other places in the Bay, erecting a cross there, declaring thereon the right of the Crown of England. In 1631, Capt. Luke Fox by command of King Charles I. made a voyage to Hudson's Bay, and amongst other places entered Port Nelson, and finding there the cross erected by Sir Thomas Button with the inscription defaced and almost worn out, he erected it again with a new inscription declaring the right and possession of his then Majesty Charles, named the adjacent country New North Wales and published a journal of his voyage. *Note.*—The troubles and civil wars which soon after broke out in England might be one principal cause why those voyages were not prosecuted, yet all that while those places lay neglected by the commerce of any European nation, the French not in the least pretending to have then visited them, nor will they say that ever any French vessel sailed Hudson Bay till very lately. After the Restoration of Charles II. trade beginning to revive, some noble and public-spirited Englishmen not unmindful of the discovery and right of the Crown of England to those parts in America (and to Canada itself, which in due time will be insisted on) designed at their own charge to adventure the establishing of a regular and constant trade to Hudson Bay and settle Forts and Factories there upon the coast, whereby to invite the Indian Nations, who lived like savages many hundred leagues up in the country, down to their factories for a constant and yearly intercourse of trade, which was never attempted by such settlements to reside in an inhospitable country before the aforesaid English Adventurers undertook the same. After a long time of consultation and necessary preparations, one Zachary Gilham, 1667, was provided of a ship and goods in London, sailed through Hudson's Straits to the bottom of the Bay, settled a trade and built a fort there, which he called Charles' Fort, on a river he named Rupert's River, in honour to Prince Rupert, who was pleased to be concerned with and was one of those Adventurers, in which place the Hudson Bay Company continued a trade and have there a factory to this day. In 1669 another voyage was undertaken by the same Adventurers, and one Captain Newland was sent, who entered Port Nelson, settled there and anew declared the right and title of His Majesty to that river and the countries adjacent and then fixed up His Majesty's arms as a mark of his sovereignty. After the charge of these voyages and the experience of these settlements, that a great trade might be brought to England by beaver, furs and other commodities, Charles II., 1670, granted by his Royal Letters Patents to incorporate the Adventurers and to his Highness Prince Rupert, the Duke of Albemarle, Earl of Craven, Lord Arlington, Lord Ashley and others and their successors for ever the sole trade to Hudson Bay, with all the lands and territories, to be reckoned as one of His Majesty's Plantations and Colonies in America, by the name of Rupert's Lands, and constituted them the true and absolute Lords and Proprietors of the same to have hold, possess and enjoy the same for ever as of His Majesty's manor of East Greenwich in free and common soccage. In the same year, 1670, the Company so incorporated sent out one Charles Baley as Governor of their factories and settlements in the Bay, with whom M. Fontenac, then Governor of Canada, by letter of Oct. 8, 1673, entertained a good correspondence, not in the least complaining in several years of any pretended injury done to the French by the Company's settling a trade and building forts at the bottom of the Bay. In 1672, Charles Bayly sent a ship, the *Employ*, from the bottom of the Bay to Port Nelson to settle a trade there with the natives, as in 1680 did also Capt. Draper the *Albemarle*. But after above 15 years' labour and charge, continual voyages, factories and settlements and the trade with the natives established to some degree of hoping to reimburse their charge, the French began now to be jealous of this new and growing trade and thought it worth their while to study some pretence to invade and rob the company or at least to share the benefit with them. Wherefore in 1682, when the English Company was building a fort and settling a trade at Port Nelson, the French having formed a private piratical expedition at Quebec by confederacy of one La Chanay and other private persons, came suddenly with two ships into the river of Port Nelson and with a stronger force surprised the Company's men, dispossessed them of their settlement, carried them prisoners to Canada and pretended to settle a trade there themselves. This was the first time the French sailed a vessel in Hudson Bay since the beginning of the world. Let them prove otherwise, if they can. And it was an unjustifiable, piratical expedition, for which the authors were prosecuted by frequent memorials from here at the Court of France. It was disowned by His Most Christian Majesty and satisfaction promised. Now as the French seldom want assurance for their pretentions or claim to anything for their advantage, so they never fail of artifice or force when they can to back them, and when by violence, rapine, and murther they have got themselves into an unjust possession, then to expostulate all by Treaty as if they were upon an even foot with the right possessor, and get it revitted by concessions. Thus they seconded this injurious invasion and assault, and a year or two after took another ship of the Company's, one Edward Humes, commander, with the goods and carried away the men prisoners and for above a year fed them with bread and water. But in 1686 they formed a greater design and went a considerable force over land from Canada to the bottom of the Bay; by force or treachery surprised and took all the Company's factories there, their ammunition stores and goods to a very great value, and murthered many of His Majesty's subjects, all in a time of peace. Upon these repeated injuries the Company complained several times in 1687 and several memorials were presented at the French Court by the Public Ministers there, Lord Preston, Sir William Trumbull and Mr. Skelton. At last His Most Christian Majesty was willing to appoint Commissioners to meet at London, and Mons. Bonrepos was sent over to be joined with M. Barillon, the French Ambassador, in that affair. For the issue of the conference we refer to the originals in the Paper Office, but in that reign, so advantageous to the French interest, they did not gain one inch from the rights of the Imperial Crown of England nor from the property of the Company. The Company put in a fresh memorial and petition at the accession of his present Majesty, who made the Company's sufferings one of his grounds for a declaration of war against the French. *Signed*, Saml. Clark. Dep. Gov. [*America and West Indies.* Hudson's Bay, 539. *No.* 8. *pp.* 3-8; *and No.* 11. 6 *large pp.*]

March 6. St. George's. **151.** Minutes of Council of Bermuda. Isaac Cholwell, master of the ketch *James*, bound for London with logwood and driven in here, ordered to give security of £1,000 for his landing his cargo in some of His Majesty's dominions. [*Board of Trade.* Bermuda, 39. *p.* 10.]

March 6. **152.** Copy of a Bill now depending in the House of Commons, that judgment and decrees hereafter to be obtained in H.M. Courts of Law and Equity in England may be executed in the English Plantations and Colonies in America. *Endorsed*, Recd. Read March 6, $169\frac{8}{9}$. 21 *pp.* [*Board of Trade.* Plantations General, 5. *No.* 7; *and* 35. *p.* 32.]

March 6. **153.** John Hallam and Nicholas to the Council of Trade and Plantations. In answer to your enquiry whether the will mentioned in their petition was ever controverted or judgment given as to the insanity of John Liveen, the will was proved in common form only, but that Liveen was *non compos mentis* and imposed on in his last sickness will appear by affidavits of two of the witnesses themselves and by those of Edward Palms and Elizabeth Way. Petitioners have often applied to the Courts in Connecticut that they might controvert the will and have leave to prove the insanity of the testator, but were always denied and refused. *Signed*, John Hallam, Nicolas Hallam. *Endorsed*, Recd. Read March 6, $169\frac{8}{9}$. 3 *pp.* [*Board of Trade.* Proprieties, 2. *No.* 53.]

March 6. **154.** Journal of Council of Trade and Plantations. Representations upon the memorial of John and Nicholas Hallam, and upon a petition of Edward Palms and John Hallam relating to the ship *Liveen*, which they set forth to have been forcibly taken from them, ordered.

Copy of a Bill now under consideration in the House of Commons, "That Judgements and Decrees hereafter to be obtained in His Majesty's Court of Law and Equity in England may be executed in the English Plantations and Colonies in America," read.

Draft of instructions to Lord Bellomont about Rhode Island considered.

March 7. Report on Col. Fletcher's case considered.

The Old Book of Hudson's Bay Entries ordered to be lent to Mr. Vernon if desired, and a receipt to be taken.

Memorandum.—The French names of our Five Nations of Indians dependent on the Government of New York are Agnies (Maquas); Isonontouans (Senecas); Ononantagues (Onandagas); Oneides (Oneidas); Goyougauans (Cayougas).

Mr. Lucas consented to refer the differences between him and Col. Codrington to the Lord Lucas. [*Board of Trade.* Journal, 11. *pp.* 406-408; *and* 96. *Nos.* 40, 41.]

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March 8. **155.** Minutes of Council of Montserrat. The further quartering of Col. Collingwood's regiment, plus 23 men incorporated out of Col. Holt's late regiment, recommended to the Assembly. Major John Scott appointed Treasurer, receiving 3 per cent. as salary. Capt. John Bramely appointed to be Captain and Commander of all the Forts in the island, which are much out of order. His salary referred to the Assembly. An Act for determining the sitting and regulating the election of Assemblies and an Act investing Capt. Frye in 102,627 pounds of sugar, arrears due to the Public Stock, and enabling him to collect them, were read and assented to. [*Board of Trade.* Leeward Islands, 64. *p.* 541.]

March 9. **156.** Minutes of Council of Montserrat. Anthony Ravell admitted Surveyor. An Act for raising a levy of 130 pounds of sugar per head, and the assessments of the several merchants, doctors and factors was read and assented to. [*Board of Trade.* Leeward Islands, 64. *p.* 542.]

March 9.
Kensington. **157.** Order of King in Council. For the purposes mentioned in the representation of the Council of Trade, Jan. 10, His Majesty in Council is pleased to order that one ship of war of the 6th rate be appointed for Virginia, and one of the 6th rate for Maryland, one of the 6th rate for New York, and one of the 5th rate for New England, to be changed and relieved yearly, and that especial care be taken that they be good sailers and that such orders and instructions be constantly given to the commanders of ships of war attending His Majesty's Plantations as by the said representation is proposed. [*Board of Trade.* Plantations General, 5. *No.* 8; *and* 35. *pp.* 32, 33.]

March 9. **158.** John Lucas to the Council of Trade and Plantations. In compliance with your proposal of having all matters now before you on my petition accommodated, and that Col. Codrington's son and I should refer them all to the Right Hon. the Lord Lucas, and that I should lay before you what I propose in order of such an accommodation, I propose (1) That your Lordships would be pleased to interpose with His Majesty to remit the fine of £100; (2) Col. Codrington and John Lucas to give one another a general release and undertake to observe an honourable, just, due and agreeable behaviour towards each other in the future. *Endorsed,* Recd. Read March 9, 169$\frac{8}{9}$. [*Board of Trade.* Leeward Islands, 6. *No.* 7; *and* 45. *p.* 328.]

March 9. **159.** Edward Palms and John Hallams to Council of Trade and Plantations. Memorial in support of their petition. *Endorsed,* Recd. Read March 9. *Copy.* 4 *pp.* [*Board of Trade.* Proprieties, 2. *No.* 55.]

March 9.
Whitehall. **160.** Council of Trade to the King. Representation upon the petitions of John and Nicholas Hallam and Edward Palmes and John Hallam (Feb. 23). With regard to these complaints of the obstruction of justice in the Colony of Connecticut, we humbly conceive Your Majesty may fitly require the Government and Company of the Colony to take care that no such obstruction be allowed, but that all cases upon differences between man and man about

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private rights be fairly heard and judged in the proper methods of the Courts established in that colony, and that if any persons think themselves aggrieved by sentences there given, they may be allowed to appeal unto Your Majesty in Council, and that the copies of records and other proceedings in all such cases be transmitted hither in order to a final hearing, it being the inherent right of Your Majesty to receive and determine appeals from all Your Majesty's subjects in America. *Signed,* Tankerville, Ph. Meadows, Wm. Blathwayt, John Pollexfen, Abr. Hill. [*Board of Trade.* Proprieties, 25. *pp.* 355, 356.]

March 9. Kensington. **161.** Order of King in Council, approving the representation of the Council of Trade of same date relating to John and Nicholas Hallam, and instructing the Council to signify His Majesty's pleasure to the Governor and Council of Connecticut accordingly. *Signed,* John Povey. *Endorsed,* Recd. Read April 19, 1699. *Copy.* 4 *pp.* [*Board of Trade.* Proprieties, 3. *No.* 8; *and* 25. *pp.* 403, 404.]

March 9. **162.** Draft of Instructions to Governor the Earl of Bellomont to enquire into the misdemeanours of Rhode Island, with a list of persons to be consulted and of questions to be put to Walter Clarke, the late Governor, John Green, Deputy Governor, John Easton, late Governor, Samuel Cranston, Governor, and Peleg Sanford.

162. I. Representation of Council of Trade laying the above before the King. *Signed,* Tankerville, Ph. Meadows, Wm. Blathwayt, Jon. Pollexfen, Abr. Hill. [*Board of Trade.* Proprieties, 25. *pp.* 357-372.]

March 9. Kensington. **163.** Order of King in Council, approving the draft of instructions to Lord Bellomont about Rhode Island. *Signed,* John Povey. *Endorsed,* Recd. Read March 27, 1699. [*Board of Trade.* Proprieties, 2. *No.* 56; *and* 25. *p.* 378.]

March 9. Kensington. **164.** Order of King in Council. Referring petition of the Proprietors of East New Jersey, concerning the port of Perth Amboy, to the Council of Trade and ordering the Attorney and Solicitor General to attend the Council at the examination of it. *Signed,* John Povey. *Endorsed,* Recd. Read March 13, 168^{8}_{9}. *Enclosed,*

March 9. 164. I. Petition of the above. Lord Bellomont last November commanded thirty or forty armed men to seize the *Hester* in the harbour of Perth Amboy and to carry her up to New York, where His Excellency caused an information to be filed in order to her condemnation for not entering and clearing at that port. He justifies his action by H.M. Order in Council, Nov. 25, 1697, in confirmation of a report of the Council of Trade which was grounded upon several misinformations of matters of fact. Of these the Proprietors had no notice till they were published in America. Petitioners are advised by eminent counsel that they have an undoubted right of entering and clearing ships immediately at East Jersey, and if they are deprived of a common benefit of a port, enjoyed by all other English Colonies, that fertile country will be deserted by the inhabitants and return to a wilderness, and petitioners' estates there, which have cost them great sums of money to purchase and improve, will be totally lost. To obviate all objections that can reasonably be entertained by the inhabitants of New York against a port in New Jersey, petitioners will oblige themselves to procure an Act of Assembly of that province for imposing the same duties upon goods to be imported into and exported from East Jersey as are or from time to time shall be payable for the goods of New York, and to be applied to the like uses as the Customs of that port. Petitioners pray for the free use of the port of Perth Amboy upon this condition, or that, for their vindication against the clamours of the inhabitants of East Jersey, the Attorney General may be directed to consent to a trial at bar in Westminster Hall upon a feigned issue, whereby petitioners' claim may receive judicial determination. *Signed*, Wm. Dockwra, John Burnett (for Robt. Burnett), Wm. Bingly (for myself and Anthony Sharpe), Tho. Cooper, Tho. Barker, Joseph Ormston, Gilbert Molleson (and for Robert Barclay), Tho. Lane, Peter Sonmans, Walter Benthall (for himself and Tho. Harte), J. Lofting, E. Richier. *True copy. Signed*, John Povey. 2 *pp.* [*Board of Trade*. Proprieties, 2. *Nos.* 57, 57 I.; *and* 25. *pp.* 373-376.]

March 9. **165.** Summary of the French pretensions upon Port Bourbon, called by the English Nelson. They made the first settlement there and were dispossessed by the English in time of peace. In 1682 Dezgrozilliers and Radisson, French subjects, fitted out two small vessels and sailing into the mouth of the rivers Bourbon and Ste. Therèze, about 150 leagues from the English settlement at the bottom of the Bay, they built a fort and left a garrison under the command of the Sieur Chevart (son of Desgrozilliers). In 1684 Radisson went to London, was engaged in the Company's interest, returned with five ships, surprised and plundered the French Fort, carrying off 60,000 beavers to London. [*America and West Indies*. Hudson's Bay, 539. *No.* 8. *pp.* 9 *and* 12.]

March 9.
Kensington.
166. Order of King in Council. In accordance with the representation of the Council of Trade on the memorial of the Agents of Jamaica, the Lords Commissioners of the Admiralty are to see that instructions are given from time to time to the commanders of His Majesty's ships in those parts to observe the laws of the Plantations with regard to carrying off any indebted inhabitant without his having his ticket. *Signed*, John Povey. *Endorsed*, Recd. March, Read April 3, 1699. [*Board of Trade*. Jamaica, 8. *No.* 111; *and* 56. *p.* 312; *and* Plantations General, 5. *No.* 9; *and* 35. *pp.* 37, 38.]

March 9.
Whitehall.
167. Council of Trade and Plantations to the King. The Lords Justices in Council having ordered us, upon our representation of Oct. 19 last, to hear Col. Fletcher upon the complaints

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which had been made against him, we digested into distinct heads the substance of what more particularly related to him in that representation (*see Cal.* 1698, 904, 1007), with some further particulars that had afterwards occurred to us. We delivered the same to him and he answered them in writing (*Cal.* 1698, 1077) and desired to be heard by his Counsel. We accordingly heard Mr. Attorney General against him and Counsel in his defence.

Case of the ship Jacob. Charges 1, 2, 3. The evidence consists chiefly of the depositions of Samuel Burgess and Edward Taylor (*Cal.* 1698, 473, II., 473, III.), one of which is direct and positive, as well with relation to the treaty with Col. Fletcher beforehand as to the presenting the ship to him afterwards. Col. Fletcher denies the treaty beforehand. The Minutes of the Council of New York, April 7, 1693, prove the fact that the pirate crew were allowed the benefit of an Act to which they were not entitled, but Col. Fletcher denies, and Colonel Bayard and Mr. Chidley Brook, then of the Council but since removed and now in England, deny also, that he influenced the Council in their deliberations upon that matter. The third charge Col. Fletcher acknowledges. Our opinion is that his proceedings, although with the consent of the Council, were contrary to his duty and an encouragement to piracy.

Protections to pirates. Charges 4, 5, 6. Col. Fletcher admits that protections were granted and that gratuities might be paid to his servant, but not to known pirates and without his receiving any benefit. But the depositions of Samuel Staats and Thomas Lewis and the admission of Col. Bayard that Col. Fletcher told him that upon application for protections the persons concerned might make what presents they liked, confirm the charge. There does not appear to us any ground to believe that any security at all was ever taken when granting protections, and Col. Fletcher admits no prosecutions were ever made of any such persons under what suspicion soever they lay. The sixth article is grounded on the deposition of John Wick. We are humbly of opinion that, in granting such protections in the manner aforesaid, Col. Fletcher gave great encouragement to pirates, and neglected his duty in not causing such persons to be prosecuted.

The protection of Edward Coats. Charge 7. We have no other evidence than the words of Coats, and it is not clear to us by the depositions whether he spoke them with relation to his piracies in the *Jacob* or some other afterwards.

Grant of Commissions to Tew, Glover and Hoare. Charge 8. Col. Fletcher pleads that this was done with full approbation of the Council, and denies that he knew of their intentions to sail for the Indies and the Red Sea, and on the contrary affirms that Tew made open vows never to go thither again. The Earl of Bellomont writes us that their intention of sailing thither is owned by the common speech of all men in the Province to have been a thing then publicly known.

Col. Fletcher's intimacy with the pirate Tew. Charge 9. Col. Fletcher offers in extenuation that this intimacy proceeded only from the pleasantness of his conversation and the information he thereby received about things observed by Tew in his voyages, together with his desire to reclaim Tew from an ill habit that he had got of swearing. In order to which he gave him a book, and, to gain the more upon him, also a gun of some value, in return whereof he received a present from him, which was a curiosity and in value not much.

Commission of Thomas Moston. Charge 10. Col. Fletcher acknowledges he granted the commission upon the desire of several merchants who had hired the ship to fetch negroes from Madagascar, but denies he knew she was an unfree bottom. The Earl of Bellomont states that she was known to all men to have been a former Dutch privateer, and that the cargo she took in publicly at New York was goods proper for pirates. In her charter party of affreightment she was hired to lade other goods as well as negroes. Her seizure and confiscation for illegal trade on her return also support the charge.

Taking insolvent securities. Charge 11. The evidence with relation to the bonds given to Tew and Hoar consists in the affidavits of Thomas Wenham, Joseph Smith, William Sharpass and Lancaster Symms (*Cal.* 1698, 473, xiii.-xvi.). Col. Fletcher throws the blame of the insufficiency of the securities and the tampering with the bonds on his servant Honan, whom he says he has retained in his service that he may be forthcoming. Our opinion on Charges 8, 9, 10, 11, is that, though it do not appear to us that Col. Fletcher knew that the persons to whom he granted the forementioned commissions intended to go upon piracy, yet greater caution ought to have been used by him and sufficient security taken by the proper officers.

Connivance at illegal trade. Charge 12. The proofs consist of accounts and computations of the possibility of revenue. Since we drew up the articles and delivered them to Col. Fletcher, Lord Bellomont has sent further papers and promised others, so that we cannot lay before Your Majesty a perfect state of that matter.

Exorbitant Grants. Articles 13 *and* 14. Col. Fletcher replies that he did not make any grants of land without the advice and consent of the Council; the Surveyor was negligent and the Attorney-General ought to be accountable for any faults in the grants; the purchase of the Mohacques' (Maquas') land was fairly made. In reply, we are informed the Attorney-General was not consulted and was discharged by Col. Fletcher from attending the Council. The omission to make surveys might proceed from the extent and nature of the grants, of which we have had an instance from Captain Evans, late commander of Your Majesty's ship *Richmond*, who being produced by Col. Fletcher to give us information concerning a grant made unto him (which we find to be reckoned about 40 miles by 20, though some others are much greater) assured us the survey was begun but could not have been perfected in six months. Whereupon we humbly offer to Your Majesty that though it was left to Col. Fletcher by his instructions to make as large purchases of land as he could from the Indians for a small value, yet his large grants to single persons without due caution for improvement was not for Your Majesty's service nor did it tend to the settlement of those parts, for which reason their Excellencies the Lords Justices were pleased, upon our forementioned representation about the state of the Province of New

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York, to give directions to the Earl of Bellomont that he should put in practice "all methods whatsoever allowed by law for the breaking and annulling those exorbitant, irregular and unconditional grants."

Miserable condition of the Forces. Charge 15. Col. Fletcher admits having received the perquisite of 10*s*. per annum from the Victuallers for the Forces, for each private soldier, but only for those raised in the country and not for those sent over by your Majesty. As to the false muster-rolls deposed by Lieut. Bulkeley, Col. Fletcher represents that he was at Albany when the muster was made at New York, and that it was certified by one of the Council there. And concerning Bulkeley, Col. Bayard has affirmed that he hath been guilty of thieving, is infamous and ought not to be credited. We think the muster-roll ought to be re-examined by the Commissary-General of the Musters here, in order to be certified over by him to the Paymaster-General of the Forces, that payment may be made accordingly.

Neglect of the fortifications. Charge 16. Col. Fletcher represents that the fortifications on the frontiers being of wood are subject to moulder and decay. Concerning the neglect of demolishing the Fort of Cadaraquy, we are satisfied, by what Col. Fletcher has represented to us, that, owing to the distance of the place, about 400 miles from that colony, and the difficulties of the way thither, through woods, morasses, and other inconveniences in that uncultivated country, it was scarce possible to have marched thither with the force and instruments necessary.

Illegal letter of denization. Charge 17. This article was not formed upon any information from the Earl of Bellomont, but occasioned by an order from the Lords Justices in Council in October upon which we made a separate report. We therefore only offer Col. Fletcher's defence, that he only granted letters of denization in the accustomed form and that the Attorney General who drew them must be answerable for any defect in them.

Neglect of notifying the Peace to the Governor of Canada. Charge 18. Col. Fletcher reports that he had no authentic notice of the Peace himself, but that, having occasionally received some advice thereof from New England, he did send notice of what he heard to the Commander of Mont Real, the garrison next bordering to New York, for the prevention of any further hostilities.

This being the state of the whole matter we are most humbly of opinion that Your Majesty would be pleased thereupon to refer the same to the Attorney General, to consider and report what further proceedings may be had upon any of the foresaid articles wherewith Col. Fletcher has been charged. *Signed*, J. Bridgewater, Tankerville, Ph. Meadows, Wm. Blathwayt, Jno. Pollexfen, Abr. Hill. [*Board of Trade.* New York, 53. *pp*. 262-282; *and* (*rough draft*) 44A. *No*. 29.]

March 9. **168**. Journal of Council of Trade and Plantations. Memorial of Edward Palmes and John Hallam about the ship *Liveen* read and representation thereon signed.

Representation accompanying draft of instructions to Lord Bellomont about Rhode Island signed.

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Representation upon Col. Fletcher's case signed.

Mr. Lucas presented proposals for accommodating the differences between him and Col. Codrington. Ordered to attend on Tuesday morning.

March 10. Papers annexed to the memorials of John and Nicholas Hallam and Edward Palmes and John Hallam ordered to be returned.

Memorial of Henry Adderley etc. read. Notice ordered to be given them that witnesses they desire to have examined may make affidavits before a Master in Chancery according to the usual method of this Board. [*Board of Trade.* Journal, 11. *pp.* 408-410; *and* 96. *Nos.* 42 *and* 43.]

March 10. **169.** Memorial from several merchants trading to New York to the Council of Trade and Plantations. In pursuance of our previous memorial and your Lordships' order, Feb. 21, we have endeavoured to obtain signed accounts of their complaints from merchants lately come from New York, but they fear they may injure themselves by appearing officious in such matters. We lay before you what particulars we can of the causes for the said discontents, and hope for your assistance to compel witnesses to come in to testify. (1) Lord Bellomont treats a parcel of the meaner sort of people who were the accomplices of Jacob Leisler as though they had done nothing but what was meritorious. Now upon the news of His present Majesty's first landing in England, the then Lieut. Governor, Francis Nicholson, and Council, being Protestants, suspended the Papists then in office, and there being but three of the Council resident at New York, who were men that most usually acted and had been of the Council many years, and are all of Dutch birth and of the Dutch Church, they called together the Justices of Peace and Magistrates of the Province, who met and were styled the Convention for that Province, and the matters of government [were] managed by the major vote of that Convention. The Council and Convention took great pains to defend the Province against the French, and to keep the Indians of the Five Nations from being seduced by the French at Canada from the English interest. They wrote to the Secretary of State in England for orders, and it was most apparent that they would upon the first opportunity most willingly submit to His Majesty. But one Jacob Leisler, a kind of a French Walloon by birth, a person of a mean rank and estate, having formerly been but a private sentinel in New York, had a mind to set himself up for a Governor, refused to pay the Customs on some wine he had lately imported; told the common people they were under no government, gave them a great quantity of wine, promised eighteen pence a day to everyone that would list themselves soldiers under him, and so got them to own him for a Governor. He seized on the fort at New York and the public moneys, and kept himself in this usurped power for about 20 months. He closely and cruelly imprisoned many of the principal inhabitants for no other reason than because they had goods and money for himself and his rabble to plunder. He did indeed first get the proclamation of Their Majesties King William and Queen Mary and proclaimed them, to prevent others who were ready and desirous to do it, and to put some colour upon what he had done, or

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make some atonement for the insolences and barbarity committed by him and his accomplices. But on General Slaughter's arrival with Their Majesties' commission he rebelliously kept the fort against him for some time. Afterwards, when he was indicted for the treasons, murthers and robberies by him and his rabble committed, he denied the jurisdiction of the Court that sat by virtue of a commission from Their Majesties, refused to plead and was sentenced to death. We have affidavits and proofs ready to show that it was out of no loyalty to his present Majesty or the Protestant cause, but solely out of a desire for plunder that he and his loose rabble acted their tragedy. We humbly submit to your Lordships whether it be fit such men should be encouraged by being set in office. Some time after the Lord Bellomont acceded to office the bones of Leisler, which were about eight years before buried in a vault he had built himself, were taken up and laid publicly in state for about three weeks, and afterwards re-buried in the Dutch Church, against the consent of those who had the custody and care of it, with great pomp and solemnity, being attended with about a hundred men in arms and about nine hundred more of his rabble. Most of the principal inhabitants who had before suffered so severely withdrew in terror and secured their effects as well as they could during the time this mob was so up. (2) The Governor has displaced most of the Council, Sheriffs and Justices of the Peace and put in their places mean, ignorant people, mostly of Leisler's party. (3) He endeavoured also to get an Assembly composed of the rabble that joined Leisler in his said enormous practices, but (4) on his first accession the General Assembly called consisted chiefly of men opposed to that party, who, however, wished to bury all in oblivion and brought in a Bill that no murder, homicide, imprisonment, robbery, &c., committed during Leisler's usurpation should be brought into question. The Governor, however, would not admit the members who carried up the Bill and suddenly dissolved the Assembly. (5) The Earl has arbitrarily and illegally imprisoned several persons and threatened to treat others likewise unless they would take a general oath to answer all questions he should propose to them. (6) The Earl has stopped several ships after they were cleared, to the great loss of their owners, without reason assigned. Particularly, the *New York Merchant*, Commander Tho. Jeffers, for about three weeks. (7) He has granted commissions for life and death without the advice and consent of the Council. (8) By his private warrant he put one Miles Forster out of his house and land and gave possession of them to Leisler's son; an arbitrary and illegal act. (9) He has ordered the entering and altering of Minutes of Council without their advice and consent (10) and contrary to their expressed desire appointed Mr. Weaver agent, who is a stranger to the affairs of the Province, having only been here with his Lordship and then been busy on behalf of the Leisler faction. (11) He is said to abet a party in the Dutch Church that oppose the admittance of a minister chosen by the elders and deacons, and (12) has given great discouragement to the English Church by publicly calling their minister a sycophant, hypocrite and dissembler to God Almighty, and forbidding the tenant of the King's Farm to pay him rent. (13) He used reproachful language to Mr. Dellius, the Minister of the Dutch Church at Albany, saying he deserved to be pilloried because he would not surrender his patent of the Maquas' land, which he only took in trust for the Maquas. Through the discountenance of the Governor, Mr. Dellius is about to leave the place, which will be a very great prejudice to the English interest among those Indians. As to the imputation of piracy made by the Governor against the inhabitants, they abhor anything of that kind as much as anybody. Some witnesses of these matters, viz., Philip French, Jacob Mayze, and Benjamin Aske are about to take ship. We pray your Lordships' speedy order to stop them and to summons others, Col. Nicholas Bayard, Captain John Evans, Chidley Brooks, William Jeneway, Thomas Jeffers, Samuel Bradford and others we shall name to your Secretary to appear before you and give testimony. *Signed*, J. Lofting, Wm. Sheppard, Nath. Rous, Hen. Adderley, B. Hackshaw, Gerard van Heythuysen, John Blackall, Wm. H. Cornelisen. *Endorsed*, Recd. Read March 10, 169$\frac{8}{9}$. 17 *pp.* [*Board of Trade.* New York, 8 x. *No.* 15; *and* 53. *p.* 283.]

March 13. Fort William Henry. **170.** Minutes of Council of New York. Petition of Joseph Langdon (Jan. 5), on report of the Justices that the woman interceded for is an object of mercy, granted. Accounts reported and warrants ordered for payment:—£210 7*s.* 3½*d.* for coals, firewood and candles for the Fort William Henry, Sept. 2–Jan 3; £320 19*s.* 0½*d.* for timber, carpenter's work, etc. for the buildings in the Fort of New York; £29 16*s.* to Col. Stephen Cortlandt for gifts to the Indians and other incidents of the Government; £100 to Captain John Nanfan, Lieut.-Governor of New York, on account of his salary, *and other items.*

March 14. Attorney-General ordered to appear and inform the Council what is proper to be done about prosecuting Mr. Adam Baldridge, whom the Council of Trade and Plantations have ordered the Governor to prosecute as a harbourer of pirates at St. Mary's Island near Madagascar. [*Board of Trade.* New York, 72. *pp.* 194-196.]

March 13. **171.** Proprietors of West New Jersey to Council of Trade and Plantations. We have again elected Col. Andrew Hamilton Governor of West Jersey, and request that in the report you make upon the petition of the Proprietors of East Jersey that he may again be Governor of that Colony you will certify His Majesty of our humble desire of his approbation. *Signed*, Tho. Lane, Paul Dominique, E. Richier, John Moore, Michael Watts, John Bridges, Robt. Michel, Wm. Hamond. *Endorsed*, Recd. Read March 13, 169$\frac{8}{9}$. [*Board of Trade.* Proprieties, 2. *No.* 58; *and* 25. *pp.* 377-378.]

March 13. **172.** Journal of Council of Trade and Plantations. Letter from Mr. E. Jennings, Virginia, Aug. 6, and Sep. 6, and from Sir Edmund Andros read. They related to copies of laws and public proceedings not received with them.

Journal of Council of Barbados, July 28—Nov. 1, and Acts of the General Assembly, Aug. 9—Sept. 27, laid before the Board and the Acts referred to Mr. Attorney or Solicitor General for opinion.

Order of Council, March 9, upon petition of Proprietors of East New Jersey concerning Perth Amboy read.

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Memorial from Proprietors of West New Jersey, desiring His Majesty's approbation of Col. Andrew Hamilton, the Governor chosen by them, read.

Letter from Lord Bellomont, New York, Dec. 14, read with several papers enclosed and a letter from Mr. Weaver.

Enquiry ordered of the Attorney and Solicitor General for their answer to what has already been writ them concerning the New England address about appeals, and of Mr. Brenton for the occasion why that business has not sooner been dispatched. [*Board of Trade.* Journal, 11. *pp.* 411-414; *and* 96. *No.* 44.]

March 14. **173.** Minutes of Council of Montserrat. Act for billeting Col. Collingwood's regiment read and assented to. The proposal of the Assembly that James Cruickshank be allowed 20,000 pounds of sugar *per annum*, provided he preach every Sunday, catechise and read prayers in the afternoon, agreed to "until this island is provided with another minister, and no longer." Lieut. Smith allowed eighteenpence *per diem* or twelve pounds of sugar for three months. [*Board of Trade.* Leeward Islands, 64. *p.* 542.]

March 14. **174.** Council of Trade and Plantations to Sir Thomas Trever, knt., His Majesty's Attorney General and Sir John Hawles, knt., His Majesty's Solicitor General, enclosing some Acts of the General Assembly of Barbados, passed there Aug. 9—Sept. 27, and desiring their opinions thereon. [*Board of Trade.* Barbados, 44. *pp.* 243-244.]

March 14. **175.** Minutes of Council of Barbados. Members of the new Assembly were returned and sworn. They chose a Speaker, who made a very dutiful speech, which His Excellency returned. [*Board of Trade.* Barbados, 65. *pp.* 389-390.]

March 15. **176.** Petition of John Miller to the Council of Trade and Plantations. Chaplain to the forces in New York, 1692–1695, petitioner, returning to England with Col. Fletcher's leave on his father's death to take care of his affairs, was taken by the French and kept prisoner four months, and was not settled in any employment till October, '96. He prays that he may be allowed full pay till the day he arrived in England, and half pay from then till he was settled in employment; the amount to be paid by Col. Fletcher out of the sums he has at his disposal for that purpose. *Signed*, John Miller. *Endorsed*, Recd. Read March 15, 1698–9. 1 *p.* [*Board of Trade* New York, 8A. *No.* 16; *and* 53. *p.* 291.]

March 15. **177.** *Copy of a Proviso* to be inserted in Mr. Welbye's patent for the office of Secretary of Barbados obliging him to residence there sent to the Board of Trade and Plantations by Mr. Ellis for their opinion;—"Provided that the said William Welbye do transport himself to our said island or islands within the space of six months from the date of these our letters, and do reside there and do not return from thence into this our kingdom without our licence first had and obtained." *The Board replies by*—

(1) Extracts from the Letters Patent to Sir Thomas Lawrence, Secretary of Maryland, dated 1690 and 1698, in the same sense.

(2) Extract of a representation of the Commissioners for Trade and Plantations and

(3) Extract of an Order of Council, 16 Feb. $169\frac{8}{9}$, based upon the foregoing representation (*q.v.*). *Endorsed,* Recd. Read March 15, $169\frac{8}{9}$. 2 *pp.* [*Board of Trade.* Barbados, 7. *No.* 80.]

March 15. **178.** Hudson's Bay Company to the Lords Commissioners. With reference to the French claims to Hudson's Bay and in answer to our memorial and ample deduction of March 4, we have received a frivolous paper whereby the French are said to insist upon one single point, viz.: To be maintained in a place they call Port Bourbon in the river of Ste. Thereze, places and names unknown to us and we believe to the best geographers in the world, by which it appears they mean Port Nelson. If this is all the French have to offer we will presently expose the weakness and falsity of their case. Meantime we must point out that the copy of their claim came to us abridged and unsigned. We request that the French be obliged to exhibit their whole claim and make what answer they can to us; that papers on either side be equally authenticated and signed; that all papers on either side be laid before your Lordships and ourselves verbatim and unabridged. [*America and West Indies.* Hudson's Bay. *No.* 539. *pp.* 9–11.]

March 15. **179.** Journal of Council of Trade and Plantations. Mr. John Miller's petition read, and copy sent to Col. Fletcher for his speedy answer.

Mr. Ellis sent the draft of a proviso to be inserted in Mr. Welby's patent for the office of Secretary for Barbados relating to his residence there, with intimation that Mr. Secretary desired the opinion of the Board thereon. Extracts of Mr. Laurence's and Sir Thomas Laurence's patents, and of the Representation of Feb. 9 and Order of Council relating to the residence of patentees sent him.

Mr. Ellis sent a copy of the instructions (Jan. 26) given to Captain Fowlis, Commander of the *Deal Castle,* for cruising between the Ness and Beachy to prevent the exportation of wool, with enquiry from Mr. Secretary whether one of these instructions be not too strict with relation to foreigners in alliance with us. He was informed that their Lordships find it a very nice and difficult point, and do not see how we can safely search and stop any foreign ship out of port for having wool or any other commodity aboard.

Letter from Col. Fletcher promising a speedy answer to Mr. Miller, read.

Mr. Lucas was informed of their Lordships' views and desired time to consider them.

Lord Bridgewater was desired to communicate to the Lord Chancellor a copy of Lord Bellomont's letter of Dec. 15, relating to judges and lawyers in New York. [*Board of Trade.* Journal, 11. *pp.* 414-417; *and* 96. *Nos.* 45 *and* 45A; *and* Trade Papers, 14. *pp.* 234-237.]

March 16.
Kensington.
180. Order of King in Council. The representation of the Council of Trade and Plantations *re* Col. Fletcher referred to Mr.

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Attorney General and Mr. Solicitor General. *Signed*, John Povey. *Endorsed*, Recd. Read April 13, 1699. [*Board of Trade*. New York, 8A. *No*. 17 : *and* 53. *p*. 292.]

March 16. Kensington. **181.** Order of King in Council. According to the above representation, Col. Fletcher is charged to have sent home full muster-rolls of his own company, signed in Jan., 1696, when the men were not really half the number. An extract of this part of the representation to be sent to the Right Hon. the Lord Walden, Commissary-General of the Musters, or his Chief Deputy, Mr. Crawford, to re-examine the said Muster Roll. *Signed*, John Povey. *Endorsed*, Recd. April 26, Read April 27, 1699. [*Board of Trade*. New York, 8A. *No*. 18 ; *and* 53. *p*. 293.]

March 16. Kensington. **182.** Minutes of Council of New York. Request of Commissioners of Customs for a boat considered. Furniture necessary for officers' lodgings in the garrison to be estimated. Two beds for the soldiers of the Lieut.-General's Company ordered. All lotteries that have not a licence prohibited. Richard Floyd, jun., having without authority cut up a drift whale that had come ashore at Col. William Smith's manor of Saint George's in the county of Suffolk, Island Nassau, ordered to appear before the Board. Richard Whodle, J.P., and Thomas Holmes, J.P., ordered to seize all blubber, bone, and oil belonging to the whale and deliver it to Henry Smith, son of Col. William Smith. [*Board of Trade*. New York, 72. *pp*. 196-198.]

March 16. Carolina. **183.** Edward Randolph to Council of Trade and Plantations. After a dangerous voyage I landed at Charlestown, South Carolina, and administered the oath to Mr. Joseph Blake, one of the Proprietors and Governor of this Province. But he is not allowed by H.M. Order in Council to be Governor ; the Act of Parliament for preventing frauds being not taken notice of by the Proprietors. There are but few settled inhabitants in this Province, the Lords have taken up vast tracts of land for their own use, as in Colleton County and other places where it is most commodious for settlement, which prevents peopling the place and makes them less capable to preserve themselves. As to their civil government 'tis different from what I have met with in the other Proprieties. Their militia is not above 1,500 soldiers, white men, but have through the Province generally four negroes to one white man and not above 1,100 families, English and French. Their chief town is Charlestown and the seat of Government, where the Governor, Council and Triennial Parliament sit and their Courts are holden, being above a league distant from the entrance of their harbour mouth, which is barred, and not above 17 foot water at the highest tides and very difficult to come in. The harbour is called by the Spaniards St. George's. It lies 75 leagues North of St. Augustine belonging to the Spaniards. It is generally laid down in our English maps to be 2 deg. 45 mins. within the Southern bounds of this province. In 1686, 100 Spaniards with negroes and Indians landed at Edistoe, 50 miles S. of Charlestown and broke open the house of Mr. Joseph Mourton, Governor of the Province, and carried away Mr. Bowell, his brother-in-law, prisoner, who was found murthered two or three days after ;

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they carried away all his money and plate and 13 slaves to the value of £1,500 and their plunder to St. Augustine. Two of the slaves made their escape from thence and returned to their master. Some time after Governor Mourton sent to demand his slaves, but the Governor of St. Augustine answered it was done without his orders, but to this day keeps them and says he cannot deliver them up without an order from the King of Spain. About the same time they robbed Mr. Grimball's house, the Secretary of the Province, whilst he attended the Council at Charles Town, and carried away to the value of about £1,500. They also fell upon a settlement of Scotchmen at Port Royal, where there was not above twenty-five men in health to oppose them. The Spaniards burnt down their houses, destroyed and carried away all that they had, because, as the Spaniards pretended, they were settled upon their land. And had they at any time a sufficient force they would also destroy this town, built upon Ashley and Cooper Rivers. This whole bay was called formerly St. George's, which they likewise lay claim to. The inhabitants complained of the wrong done them by the Spaniards to the Lords Proprietors, and prayed them to represent it to His Majesty, but not hearing from them fitted out two vessels with 400 stout men well armed, and resolved to take St. Augustine. But James Colleton came in that time from Barbados with a commission to the Governor, and threatened to hang them if they proceeded. Whereupon they went on shore very unwillingly. The Spaniards, hearing the English were coming, left their town and castle, and fled into the woods. The truth is there was a design on foot to carry on a trade with them. I found the inhabitants greatly alarmed upon the news that the French continue their resolutions to make a settlement at Messasipi River, from [whence] they may come overland to the head of Ashley River without opposition. 'Tis not yet known what care the Lords Deputies intend to take for their preservation. Some ingenious gentlemen of this Province, not of the Council, have lately told me the Deputies have talked of making an address to the Lords Proprietors for relief. But 'tis apparent that, all the time of this French War, they never sent them one barrel of powder or a pound of lead to help them. They conclude they have no reason to depend upon them for assistance, and are resolved to forsake this country betimes if they find the French are settled at Meschasipi, or if, upon the death of the King of Spain, these countries fall into the hands of the French, as inevitably they will if not timely prevented, and return with their families to England or some other place where they may find safety and protection. It was one of the first questions asked me by several of the chief men at my arrival, whether His Majesty had not sent over some soldiers to preserve them from the French, saying they might all live in this plentiful country, if allowed half pay for two or three years at furthest, and afterwards they will maintain themselves and families in making pitch and tar and planting Indian corn. His Majesty will thereby have so many men seasoned to the country ready for service upon all occasions. Five such men will do more service, by sea or land, than twenty new raised men from home. They may be brought hither in the Virginia outward bound ships, 100 or 150 men in a

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year, till they are made up 1,000. I heard one of the Council, a great Indian trader and has been 600 miles up in the country west from Charles Town, discourse that the only way to discover the Meschasipi is from this Province by land. He is willing to undertake it if His Majesty will please to pay the charge, which will not be above £400 or £500 at most. He intends to take with him 50 white men of this Province, and 100 Indians who live two days' journey east from the Meschasipi, and questions not but, in five or six months' time after he has His Majesty's commands and instructions, to find out the mouth of it and the true latitude thereof. The great improvement made in this Province is wholly owing to the industry and labour of the inhabitants. They have applied themselves to make such commodities as might increase the revenue of the Crown, as cotton-wool, ginger, indigo, &c., but finding them not to answer the end, they are to set upon making pitch, tar and turpentine and planting rice, and can send over great quantities yearly, if they had encouragement from England to make it, having about 50,000 slaves to be employed in that service, but they have lost most of their vessels, which were but small, last war by the French and some lately by the Spaniards, so that they are not able to send those commodities to England for a market, neither are sailors here to be had to man their vessels. If the duties upon these commodities and upon rice were suspended for a time it would encourage the Planters to fall vigorously upon making pitch and tar, etc., which the Lords Proprietors ought to make their principal care to obtain from His Majesty, being the only way to draw people to settle in their Province, a place of greatest concern to the English navigation in these parts. Charles Town Bay is the safest port for all vessels coming through the Gulf of Florida, in distress, bound from the West Indies to the Northern Plantations; if they miss this place they may perish at sea for want of relief, and having beat upon the coast of N. England, New York or Virginia by a North West wind in the winter, be found to go to Barbados, if they miss this Bay, where no wind will damage them and all things to be had necessary to refit them. I formerly presented you with proposals for supplying England with pitch, tar, masts and all other naval stores from New England. I observed when I were at New York in Sept. last abundance of tar brought down Hudson's River to be sold at New York, as also turpentine and tar in great quantities from the Colony of Connecticut. I was told if they had encouragement they could load several ships yearly for England, but since my arrival here I find I am come unto the only place for such commodities upon the Continent of America. Some persons have offered to deliver in Charles Town Bay upon their own account 1,000 barrels of pitch and as much tar, others greater quantities, provided they were paid for it in Charles Town in Lyon dollars, passing here at five shillings per piece, tar at eight shillings per barrel, and very good pitch at 12 shillings, and much cheaper if it once became a trade. The season for making these commodities here being six months longer than in Virginia and more Northern Plantations, a planter can make more tar here with fifty slaves than they can do with double the number in those places, their slaves living here at very easy rates and with few clothes. The enclosed I received from Mr. Girard, a French Protestant, living in Carolina. I find them very industrious and good husbands, but are discouraged because some of them having been many years in this Province are denied the benefit of being owners and masters of vessels, which other the subjects of His Majesty's Plantations enjoy, besides many of them are made denizens. If this place were duly encouraged, it would be the most useful to the Crown of all the Plantations upon the Continent of America. I enclose a draft of the town and castle of St. Augustine, with a short description of it by a gentleman who has been often there. It's done exactly true, more for service than for show. The Spaniards now or the French, if ever they get it, will prove dangerous neighbours to this Province, a thing not considered nor provided against by the Lords Proprietors. I am going from hence to Bermudas with H.M. Commission to administer the oath to the Governor of that island, with a commission for the Judge and other officers of the Court of Admiralty erected there, from whence I believe it necessary to hasten to the Bahama Islands, where a brigantine belonging to New England was carried in as a wreck, the Master and sailors, being pursued by some persons who had commissions from Governor Webb, believing they were chased by Spaniards, forsook their vessels and went on shore amongst the natives to save their lives. The want of a small vessel to supply the loss of the frigott which was appointed by the Admiralty to transport me from one Plantation to another makes me stay a great while at one place for a passage to another, which is uncertain, difficult and dangerous. *P.S.*—I have by the extremity of cold last winter in Maryland and Pennsylvania and by my tedious passage in the winter time from New York to this place got a great numbness in my right leg and foot. I am in hopes this warm climate will restore me. I pray you to direct that the little residence I am to make in these parts may be in this Province and that a vessel well manned be sent me hither, my intentions being not to lie idle: for when the hurricane times come here I can go securely to Virginia, Maryland and Pennsylvania and New England, without fear of being droven from those Plantations by N.W. winds, and when they come I can pass from one Plantation to another without difficulty. *Signed*, Ed. Randolph. *Endorsed*, Recd. June 9, Read June 28, 1699. 4 *large pp. with abstract prefixed and annexed. Enclosed,*

183. I. Peter Girard to Edward Randolph.

Number of French Protestant refugees—

At Charlestown - - - -	195
At Goes Creek - - - -	31
At East Branch of Cooper River -	101
At ,, Santee River -	111
Total in Carolina -	438

I may undertake myself to procure every year at the end of the bridge of Charlestown, 1,500 barrels of good tarr at 8*s*. per barrel, 50,000 weight of pine gum at 10*s*. per cwt. and a parcel of Cyprus

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mast for the second and third rate of English men-of-war. *Signed*, Peter Girard. [*Board of Trade.* Proprieties, 3. *Nos.* 22, 22 I.; *and, without enclosure*, 25. *pp.* 448-459.]

March 16. **184.** Council of Trade and Plantations to John Lucas. We believe it will be most conducing to a good understanding between Mr. Lucas and Col. Codrington, that Mr. Lucas do acknowledge his having unadvisedly used divers passionate and reflecting expressions upon the honour of General Codrington deceased, and that he is sorry for the same, desiring to live with Col. Codrington in good correspondency and with due respect. Upon which this Board will intercede with His Majesty to remit the £200 upon mutual release to be given on both sides. *No signature.* [*Board of Trade.* Leeward Islands, 6. *No.* 9.]

March 16. Kensington. **185.** Order of King in Council granting the petition of Sir William Phippard, in case the Council of Trade have no objection. *Signed*, John Povey. *Endorsed*, Recd. Read, March 17, 169$\frac{8}{9}$. *Enclosed*,

> 185. I. Petition of Sir William Phippard, owner of the *William and Elizabeth* of Pool, master, Richard Trigain. Laden with tobacco from Yorke River to London, she was on the 2nd Oct. taken by a French pirate near the banks of Newfoundland, the master and several sailors taken out of her, and the ship forced to sail to Antigua, where the Government would oblige the ship to unload, though the owner and master have entered into bond with the King in the sum of two thousand pounds that the cargo shall be landed in some port in England. The owner prays that orders may be sent to the Government of Antigua granting the immediate discharge of the ship without unloading, or otherwise that he may be relieved of the penalty. *Copy. Signed*, John Povey. [*Board of Trade.* Leeward Islands, 6. *Nos.* 8, 8 I.; *and* 45. *pp.* 328, 329.]

March 16. **186.** Minutes of Council of Massachusets. £10 each allowed to Major James Converse and Capt. John Alden for fetching prisoners from the Indians. John Pickering of Salem, assignee of Humphrey Coombs, paid £3 owed to him as extra pilot on board H.M.S. *Newport*, 1695. [*Board of Trade.* New England, 49. *p.* 196.]

March 17. **187.** John Lucas to the Council of Trade and Plantations. I have read your opinion and assure your Lordships I never did use any passionate and reflecting expressions on the late General Codrington otherwise than in the letter of grievance and other papers laid before you. I cannot with safety to my reputation in the Island of Antego in the least recede from what I have alleged against the late General, so fully known by the whole island. *Endorsed*, Recd. Read March 17, 169$\frac{8}{9}$. 1 *p.* [*Board of Trade.* Leeward Islands, 6. *No.* 10; *and* 45. *p.* 331.]

March 17. Whitehall. **188.** Council of Trade and Plantations to Mr. Secretary Vernon. We are of opinion the petition of Sir William Phippard may be granted on these terms, that his ship be permitted to sail from Antegoa without unlading or any other pretence of hindrance in order to come to the River of Thames to be there discharged at the Custom House, and that he will thereupon be accountable for any claim that may be made on His Majesty's behalf. *Signed*, J. Bridgewater, Ph. Meadows, Jno. Pollexfen, Abr. Hill. [*Board of Trade.* Leeward Islands, 45. *p.* 330.]

March 17. Foxhall. **189.** John Miller to the Council of Trade and Plantations, sitting at the Cockpit. Petitions that Col. Fletcher may be quickened in answering his petition for arrears of pay. *Signed*, John Miller. *Endorsed*, Recd. Read March 17, 1699. 1 *p.* [*Board of Trade.* New York, 8 A. *No.* 19; *and* 53. *p.* 291.]

March 17. **190.** Journal of Council of Trade and Plantations. Copy of representation and order of Council upon Col. Fletcher's case ordered to be sent to Lord Bellomont.

Order of Council, March 16, upon petition of Sir Wm. Phippard read, and upon Sir William engaging his word, his petition recommended to Mr. Vernon.

Mr. Lucas replied that he was not willing to comply with the suggestions made for accommodating his difference with Col. Codrington. His business decided to be taken into consideration. Letter from Mr. Miller praying for despatch upon his petition read. [*Board of Trade.* Journal, 11. *pp.* 418-419; *and* 96. *No.* 46.]

March 18. **191.** John Hallam and Nicolas Hallam to the Council of Trade and Plantations. The petitioners do not complain of an obstruction of justice as to a case of their own, as your representation seems to intimate; their petition aims at obtaining a grant of the estate of John Liveen for themselves. *Copy.* 4 *pp.* *Endorsed*, Recd. Read March 21, 169$\frac{8}{9}$. [*Board of Trade.* Proprieties, 2. *No.* 59.]

March 18. **192.** Minutes of Council and Assembly of Nevis. As on the 9th, the Assembly pressed for the reply to various Acts and for the sealing and despatch of the Act to empower the Treasurer to sue. To this the Council agreed. The Assembly proposed to discharge the guarders on the forts; that Col. Pym should be sent for to show cause why he should not pay his debt of 5,964 pounds of sugar to the Treasurer, and that three Assembly men instead of two should be elected in each division. The Council refused to agree to the last proposal. The Assembly proposed the purchase of Mrs. Martha Gibson's house for a prison. [*Board of Trade.* Leeward Islands, 64. *pp.* 492-494.]

March 18. New Providence. **193.** Deposition of William Joel, late master of the sloop *Success* of the Bermudas. He cleared his sloop with Sir William Beeston, Governor of Jamaica, March 24, 1698. Being bound with his loading of salt to Bermuda he sprang his mast and went to get another at South Carolina, where Mr. Blake, the Governor, forced him to pay the sum of £80 in money and goods for a register for his vessel, before seven months of the time for registering was expired. Since which Joell's vessel and loading were taken by Hind the pirate, and he lost all his papers and the use of his right hand in defence of his ship. *Copy.* Sworn before Read Elding, Dep. Governor. 3 *pp.* [*America and West Indies.* Bahamas, 452. *Nos.* 61, 62.]

March 20. Deal. **194**. Mr. Bevis Hill to William Popple. Encloses receipts from Jonas Clay, master of the *St. John Factor*, and John Raynsford, master of the *Elizabeth*, bound for New England, for letters to Lord Bellomont. (Feb. 3.) *Endorsed*, Recd. March 21, 169$\frac{8}{9}$. [*Board of Trade.* New England, 9. *Nos.* 57, 57 i., ii.]

March 20. Fort William Henry. **195**. Minutes of Council of New York. His Excellency's Commission for the Vice-Admiralty of the province and adjacent provinces read and recorded. Thomas Parmyter, late gunner and supervisor of the buildings within the Fort, summoned and for his
March 21. frauds debarred of his pay.

March 22. The Governor and L.G. took the oaths appointed and subscribed the Test and Association. The Surveyor and Searcher, appointed to Oyster Bay, surrendered his commission, declaring he dare not execute it by reason of the threats of the inhabitants. The case communicated to the Assembly, who were recommended to take some course to prevent illegal trade there and elsewhere.

March 23. All accounts delivered to Col. Cortlandt ordered to be audited.

March 24. It having been shown that it is the custom of the West Indies for His Majesty in cases of seizure of vessels to allow seamen's wages due before the seizure, ordered that the charges of seizing and condemning the *Hester* be first deducted out of the money arising therefrom, and that then Captain Richard Wise, the late master, and the mariners be paid the money due to them on account of their wages, as far as the residue will extend.

John Vincent ordered to be prosecuted for breach of the proclamation prohibiting persons to go on board any vessel coming into port until some Customs' officer had first visited her. The account of Henry Jourdain returned audited and ordered to be paid.

March 25. Other payments to officials. [*Board of Trade.* New York, 72. *pp.* 198-203.]

March 20. **196**. Journal of Council of Trade and Plantations. Letter from Mr. Addington, Feb. 7, read.

Two letters from President and Council of Nevis, Dec. 31 and Feb. 4, read with enclosed papers. Copies ordered to be sent to Mr. Vernon if he have not received duplicates.

March 21. Further memorials presented by Mr. Wharton in the name of Nicholas and John Hallam. Resolved to enquire of Lord Bellomont as to the affair. [*Board of Trade.* Journal, 11. *pp.* 420-422; *and* 96. *Nos.* 47 *and* 48.]

March 21. **197**. Minutes of Council of Montserrat. An Act for a donation of 50,000 pounds of sugar to the Hon. Col. Thomas Delaval, Lieutenant Governor, read and assented to. [*Board of Trade.* Leeward Islands, 64. *p.* 543.]

March 21, 22. Fort William Henry. **198**. Minutes of Council in Assembly, New York. After being frequently adjourned owing to the absence of representatives from town, nineteen assembled on this day and took the Oaths, Test and Association. They chose James Graham Speaker, and

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demanded to have their former rights and privileges confirmed (1) That none of their members nor servants may be arrested or molested during the session. (2) That they may have freedom of access to His Excellency, (3) and freedom of speech and a favourable construction upon all debates, (4) that in case of misunderstandings with the Council, committees of both Houses be appointed to reconcile their differences. Entered in the Council Book with the consent of His Excellency, who proceeded to address the Assembly:—The last Assembly was dissolved because it sat for a whole month and did no business, there being great heat, and divisions among them. Faction and sedition were rife in the town and some ill men used the utmost industry to spread the infection all over the province by false suggestions of their independence from the Crown of England, and that 'tis a wrong and violence done 'em that England should put a limitation on their trade. But does not England put a restriction on its own trade in some cases? and as for piracy, which some people are so fond of here, 'tis held in such abomination as not to be known or practised there. The Province is subject to the Crown of England, enjoys its protection and the best constitution of laws in fellowship with the best and bravest people in the world, the people of England. The angry men of New York must expect no more connivance at their ill practices. Great marks of irreligion and immorality are noticeable and proceed from a long habit of breaking the laws, which nothing can rectify save Religion. The Governor then recommended the continuance of the present revenue, the discharge of the Government debt, the reconciliation of parties and moderation in debate. The friendship of the Five Nations of Indians was secured at the conference at Albany last year: but they have since grown very uneasy at the detention by the French Governor of Canada of some of their friends prisoners in spite of the late Treaty of Peace. The Assembly's advice invited on the matter. The Assembly withdrew. Col. William Smith on behalf of the Council expressed their satisfaction with the Earl's speech.

March 23. The right of His Majesty to all drift-whales which the subject can make no just claim of having killed was unanimously asserted, and Richard Floyd, who in contempt of the royal right and authority clandestinely cut up and and removed one on the island Nassau, was committed for prosecution. The Chief Justice was required to examine on oath witnesses in the matter. [*Board of Trade.* New York, 72. *pp.* 743-754.]

March 21. **199.** Minutes of Council of Barbados. The petition of Mr. Irwin about servants was read and order made for payment. The salaries of Mr. Rawlins and Mr. Woodhouse, £50 to Mr. Duke for repairing the fortifications, a sum to Mr. Thomas for Spight's fort, and £35 8*s.* to Sarah Dweight for entertaining the Committee of Public Accounts, were passed. [*Board of Trade.* Barbados, 65. *p.* 390.]

March 21. **200.** Col. Fletcher to Council of Trade and Plantations. Mr. Miller was not upon daily duty as chaplain at New York as he alleges. His commission bears date March 7, 1692. He was in New York only from the end of Aug., 1692, to the end of May,

1699.

1695, when he went to England without my leave upon his private occasions, leaving not only the Companies but the City of New York destitute of an English minister. So that from the time of his arrival at New York to the deserting of his flock is only two years and nine months. At 6*s*. 8*d*. a day his pay would amount to £393 13*s*. 4*d*., of which he owns to have received half. So there remains due to him, New York money, £196 16*s*. 8*d*., which makes sterling at £30 per cent. difference, £151 8*s*.

As to there being a sum of money in my hands for that purpose, as he alleges, I can produce accounts to show that there is a balance of £173 4*s*. 11*d*. due to me. But when the forces shall be cleared to the time of my being superseded by the Lord Bellomont, the deduction of 30 per cent. will amount to upwards of £3,130, out of which not only my balance may be cleared, but your Lordships may direct the paying Mr. Miller as much as you think his services deserve. *Signed*, Ben. Fletcher. *Endorsed*, Read March 27, 1699. 1½ *pp*. [*Board of Trade*. New York, 8A. *No*. 20; *and* 53. *p*. 292.]

March 22. **201**. Minutes of Council and Assembly of Nevis. The Assembly esteeming the Gunner's account of powder irregular proposed that he should not be paid till he had presented a proper account, and should be dismissed the country's service and forfeit wages due if he did not do so within ten days. The Surveyor was called upon to lay his accounts before both Houses. [*Board of Trade*. Leeward Islands, 64. *p*. 494.]

March 22.
Charlestown,
S. Carolina.

202. Edward Randolph to Lord Bellomont. About Jan. 10 last one Cuttler came from London hither with his wife. He gave out that he had a commission from His Majesty to search for mines in this Province. His wife has brought over with her a stock and keeps a milliner's shop in this town. He expects one Green to follow him, equally concerned with him, as he says, in the search for mines, but neither he nor Green have been formerly in this Province. I hear from an intimate friend of Cuttler's that his dependence is wholly upon one Edward Loughton, whose wife's sister Cuttler married in London, and one David Maybank, another relation by marriage, to assist him. They have no knowledge of mines further than what they have heard Indian traders discourse of mines thirty or forty miles down the Savanore River, taken up when the river is dry, good for little or nothing. Loughton and Maybanks are both house-carpenters and have lived above 16 years in this town. They were in London not long ago; 'tis probable they might infuse notions of mines into Cuttler and Green, that they know where there were mines, and easily to be found if they could get a commission from His Majesty to search and some persons of quality to countenance them and money to bear their charges. They returned about five years after. Now whether they are joined with Cuttler and Green is best known to your Lordship. Cuttler talks of going to Savanore Town, about 120 miles from hence, with Loughton and Maybanks to speak with the Indian traders. He promises great matters to those who inform him of mines, and has lately discoursed that your Lordship, the Earl of Pembroke, and Mr. Blathwayt are principally concerned, and have got them a commission to pay their passage and travelling charges. I enquired of a gentleman in this country what profit has arisen to his Majesty by the fourth part of the gold and silver mines in this province, or whether they have given encouragement to any persons to discover them and work them. I hear of none. Some time after upon a report that I was going to England he sent me a letter (copy enclosed) which I intended to show to the Chancellor of the Exchequer, but since I find your Lordship, the Earl of Pembroke and Mr. Blathwayt are all engaged in the same design to promote the lasting benefit of his Majesty and his Kingdoms, I enclose a copy to Mr. Blathwayt in case any should miscarry. Mr. James Moor is a gentleman of a good estate in this country, he is Secretary of the Province and a deputy to Sir John Colleton, one of the Lords Proprietors. He told me that if he were empowered and had good encouragement for himself and his friend, he would forthwith take 50 white men and 100 Chirakues Indians to be his guard, and that he had a negro smith. He desired me, to be secured against the Lords Proprietors' claim, to have all matters so accommodated that they might not seize upon the produce of his own cost and labour bestowed upon his Majesty's fourth part, whereas their Lordships have three-fourths to set men to work upon for themselves. He can employ his estate and slaves to greater profit. As to his own share which may arise to him from the mines, he wholly submits that to His Majesty and to your Lordships considering he is at all the charge of the discovering and opening them. As this is a matter of great import to the Crown if it succeed, so if it do not, it will prove an utter ruin to Mr. Moor. If the Lords Proprietors know that he hath neglected them and made his proposals in the first place to you, he will certainly be a double loser, for besides his great charge and travel to discover the mines, the Lords Proprietors will upon the first notice turn him out of the Council and take from him his office of Secretary and engage the Governor and Council against him to the destruction of himself and numerous family, and at last force him to leave the country, as has been formerly practised upon men of good estates in this province. You may refer to Mr. Thornburgh, now one of the Lords Proprietors, and his agent. If you please to command I will attend at Whitehall. Meantime I humbly pray for the recovering of my health that I may have leave to make my residence in Carolina in winter time, to avoid the extremity of cold in Virginia, Maryland or the other northern Plantations, and that I may have another vessel that draws much less water than the *Swift* advice boat, lost by the carelessness of the commander in Virginia last winter; with liberty to have an able coaster well acquainted with the dangerous flats and sands upon all the shores from this place to New England, where H.M. service will very often require me. *Copy.* 5 *pp.* *Endorsed,* Recd. June 15, Read June 19, 1699. *Enclosed,*

March 1. **Carolina.** 202. I. James Moore to Edward Randolph. I made a journey in 1690 over the Apalatheean Mountains and took up seven sorts of ores or mineral stones, all differing either in weight, colour, smell or some other qualities. By my friend Col. Maurice Matthews I had these tried in England. He sent word two were very good and one

1699.

indifferent. In the same journey I was informed the Spaniards had been at work upon mines within 20 miles of me. The natives described to me their great bellows and furnaces, and said they killed the Spaniards for fear they should make slaves of them to work in the mines, as they had millions of other Indians. The places where I took up the ores are much nearer Ashley River than any place now inhabited by the Spaniards or French. Reflecting on the weakness of our colony and that the report of a silver mine among us would incite the French in America, if not in Europe, to invade us, I thought it convenient during the war not to make any discovery of them. I now communicate this with you, desiring you to communicate it either to the Rt. Hon. Mr. Montague, Chancellor of the Exchequer, Mr. Blathwayt, or some other great officer at Court. I leave it to you to agree for my certain reward. I hope I shall not be worse dealt by because I will not put the Crown to one farthing charge before the thing be effected. King Charles II. by his charters has given our Lords Proprietors three-fourths of all silver, gold, precious stones, etc. found within their patent. If they work the mines they will hardly send men enough to defend this country. *Copy.* 3 *pp.* [*Board of Trade.* Proprieties, 3. *Nos.* 19, 19 I.; *and* 25. *pp.* 433-443.]

March 23. **203.** Andrew Hamilton to William Popple. The last ship to sail to New York and Boston is 14 days hence, and puts me under a necessity to remind their Lordships of the petition and memorial of the Proprietors of the Jerseys concerning me. The state also of the Post in America, which is under my care, doth call for my speedy repair thither, the Acts of Assembly of those Colonies which ascertain the rates upon letters being near expired, and will not be easily renewed without my personal application. *Signed,* And. Hamilton. *Endorsed,* Recd. Read, March 23, 169$\frac{8}{9}$. [*Board of Trade.* Proprieties, 2. *No.* 60.]

March 23. Whitehall. **204.** Council of Trade and Plantations to Mr. Secretary Vernon, enclosing papers received from Nevis dated Feb. 4. *Signed,* Ph. Meadows, Wm. Blathwayt, Jno. Pollexfen, Abr. Hill. [*Board of Trade.* Leeward Islands, 45. *pp.* 345-348.]

March 23. **205.** Proprietors of East New Jersey to the Council of Trade and Plantations. The Proprietors in their petition to His Majesty in Council, since referred to you, complained of the seizure of the *Hester* at Perth-Amboy, which the Governor of New York justifies by virtue of the Order in Council made in confirmation of your report declaring your opinion that the Proprietors have no grant of any port in East Jersey. They set forth that your report was grounded upon several misinformations. For the right claimed is but the common and natural right of coming into and going out of that Province with ships for the necessary support of the inhabitants, a privilege which every other colony of America doth enjoy to this day. No customs being payable there for any goods imported from Europe thither or for the product of that Colony to Europe, or elsewhere, they are advised they have power to import and export such goods from any part of that province without interruption. And for the enumerated products of the Plantations upon which a duty is imposed by the statute of Charles II, the Proprietors insist that the Commissioners of Customs had constituted Perth-Amboy a port for that purpose before your late report, which the Proprietors are willing shall be the port for importing and exporting all goods whatsoever to and from the Colony. The separation of the Jerseys from New York, 1664, was before the Statute which empowered the Commissioners of Customs to constitute ports in America or before any customs were payable at New York, so that, as the people were under no limitation from England of using the most convenient harbours in their colonies, New York cannot pretend that by the separation of the Jerseys any revenue or customs are lopped off. Your report set forth that New York and Perth-Amboy lie within the same capes and river, and that it is not usual to admit of two independent ports within the same river: but this is the case with Virginia and Maryland, and every creek there is permitted to be a port as in New England. And though the entrance from the sea to New York and Perth-Amboy be through the same channel close to Sandy Hooke, because of shoals and banks that lie all along to Nassau or Long Island, yet once within the channel the courses, flowings and ebbings, are different, for New York lying north from Sandy Hook upon Hudson's river and Perth-Amboy lying west upon Rariton River, ships bound for Perth-Amboy, if they must first enter New York will have to go down again to Sandy Hook before they can fall into the channel of Rariton River, and are subject to be driven to sea as pilots often have been. A ship bound outward from Perth Amboy, if obliged to clear at New York, may be blown off in going round, and so is seizable in any of the King's ports for want of coquets. A northerly wind is a fair wind to go to sea from Perth Amboy, but blows quite down Hudson's River, that ships with that wind cannot come at New York, and so lose a fair wind. In the winter ships can go to sea from Perth Amboy once in two or three tides, but it is impossible to go to New York because of the running ice in that river, and therefore must lose their season. East Jersey affords great store of horses fit to be transported to the West Indies. They are never put aboard till the wind offers fair to go to sea, and should vessels loaded with horses be obliged to clear at New York, they may lose the wind that might carry them to sea, and be the loss of their voyage. In order to take away the principal objection made by your Lordships, the detriment a free port in East Jersey would bring to New York, the Proprietors propose to obtain an Act of Assembly for the same duties at Perth Amboy as are and shall be paid at New York. Their proposal for a trial at bar is merely to vindicate them against any charge of remissness from the inhabitants in case of failure. *Signed*, Wm. Penn, Thomas Harte, Tho. Cooper, David Lyell, Tho. Barker, Clemt. Plumsted, Walter Benthall, Wm. Dockwra, Peter Sonmans, John Burnet, and for Robt. Burnet, Gilbert Molleson for

1699.

Robert Barclay, Joseph Ormston. *Endorsed,* Recd March 23. Read March 29, 1699. 3 *large pp.* [*Board of Trade.* Proprieties, 3. *No.* 1; *and* 25. *pp.* 379-382.]

March 23. **206.** Journal of Council of Trade and Plantations. Mr. Andrew Hamilton was informed that a report on his affair and other matters relating to the Jerseys, which could not be separated, would be made as speedy as possible. Letter to Mr. Secretary Vernon enclosing papers from Nevis signed and sent. Letters from Sir Wm. Beeston with enclosures, Jan. 20 and Dec. 5, considered, and letter to Mr. Vernon thereon ordered to be prepared.

March 24. The draft of the letter agreed upon.

Representation upon the business of Newfoundland ordered. [*Board of Trade.* Journal, 11. *pp.* 423, 424; *and* 96. *Nos.* 49 *and* 50.]

March 25.
Nevis.
207. Copies in full of Acts passed at Nevis, 1699.

(1) An Act that constables shall not refuse to serve.

(2) An Act to oblige masters of ships to give in security besides the security by Act of Parliament.

(3) An Act that no actions shall be commenced at a sessions unless they be for above one thousand pounds of sugar.

(4) An Act against running away with boats and canoes.

(5) An Act for all vessels to pay tonnage, powder and arms.

(6) An Act against importing rum and molasses; also for raising an annual tax on vintners and retailers of rum and rum punch, and for lessening the number of distillers.

(7) An Act to revive and continue divers Acts of this island.

(8) An Act to ascertain the value of foreign coins to pass current in this island.

Signed, Wm. Burt, Mich. Smith, Dan. Smith, Jno. Smargin, Richd. Abbot, Wm. Butler, and J. Bevon and Wm. Ling, Speakers. *Endorsed,* Recd. Nov. 8, 1699. Sent to Mr. Solicitor General, Nov. 8, 1699. Recd. back May 28, 1700. Read Sept. 11, 1700. Reported Sept. 29, 1700. [*Board of Trade.* Nevis, 260. *Nos.* 5-8.]

March 25.
Whitehall.
208. James Vernon to Council of Trade and Plantations, directing the preparation of a Commission and Instructions for Col. Codrington to be Captain-General and Governor-in-Chief of the Leeward Caribbee Islands. *Signed,* Ja. Vernon. *Endorsed,* Recd. Read March 27, 1699. [*Board of Trade.* Leeward Islands, 6. *Nos.* 11 *and* 45. *p.* 348.]

March 25. **209.** Instructions to Col. John Gibson, commanding the regiment of foot despatched to recover the Island of Newfoundland from the French, 1697. *Endorsed,* Recd. from Mr. Blathwayt March 25. Laid before the Board, March 27, 1699. *Copy.* 6 *pp.* [*Board of Trade.* Newfoundland, 3. *No.* 128.]

March 25. **210.** Heads of Instruction for Capt. John Norris, commander in chief of the squadron of H.M. ships bound to Newfoundland, 1697. *Endorsed as above. Copy.* 7 *pp.* [*Board of Trade.* Newfoundland, 3. *No.* 129.]

March 27.
Whitehall.
211. Council of Trade and Plantations to Mr. Secretary Vernon. We think it proper to lay before you some matters

1699. referred to in the letters of Sir William Beeston, Lieut.-Governor of Jamaica, Dec. 5 and Jan. 20 last (*q.v.*). *The matters reported are* (1) The passage about the deaths of the Commanders of the *Sindados Prize* and H.M.S. *Maidstone*; (2) the case of Captain Allen and the *Sindados Prize* at the Isle des Vaches; (3) the endeavours of the French to settle a colony at the Isle des Vaches "which a few years ago lay common and the inhabitants of Jamaica used to hunt there and fish for turtle upon that coast. And inasmuch as the said settlement so near St. Domingo may be prejudicial to the Spaniard as well as to our navigation that way, besides the consideration of our fishery, we humbly conceive it may be fit that information be given of that new settlement to the Spanish Court"; (4) the Kelly affair. (5) The attitude of the Spanish and the case of Captain Medlicot. (6) The detention of English ships at Carthagena by the Spaniards. "We are also to acquaint you with what has been lately writ to us by the President and Council of Nevis relating to the Spaniards in those parts. Two sloops belonging to that island having sailed to Crab Island, the leewardmost of H.M. Carribbee Islands, in order to winter there out of the danger of hurricanes and to return with turtle, which is fished in those seas, in the spring, were surprised and taken by two armed half gallies, who carried them to the neighbouring Island of St. John de Porto Rico, where the men are kept in prison to the loss of the owners esteemed to be £1,000 sterling, and to the great prejudice of our navigation and turtle fishing in those parts." *Signed*, Phil. Meadows, Wm. Blathwayt, John Pollexfen, Abr. Hill. [*Board of Trade*. Jamaica, 56. *pp*. 303-311.]

March 27. Whitehall. **212.** James Vernon to Council of Trade and Plantations. His Majesty commands me to transmit the enclosed advice sent to the Royal African Company. You are to advise with the merchants whether they have anything to propose for the security of trade. I have sent your report of Feb. 24 concerning passes to the Lords of the Admiralty, but have not yet been sent their reply. *Signed*, Ja. Vernon. *Endorsed*, Recd. Read March 28, 1699. *Enclosed*,

1698. Aug. 29. Sherbro. 212. I. Wm. Burrough to Samuel Heron, merchant in the Royal African House. This is for to acquaint the Royal African Company of my misfortune in being taken by a pirate under English colours in the Lat. of 7′ 15″, they being a ship of 14 guns and 6 patereroes and 50 men, he being a consort of Avery, and they told us likewise that there was 10 sail upon the coast of Africa and that Avery was the head of them in a ship of 24 guns and 100 men. They told us that they had fought the Bedford Galley at the Isle of May and that she had disabled their mast, by which reason they took my ship with ten of my men (*named*) and gave me their ship, which I have brought to Seralone and delivered her to Agent Corker. *Copy*. [*Board of Trade*. Plantations General, 5. *Nos*. 10, 10 I.; *and* 35. *pp*. 34, 35.]

1699. March 27. **213.** Journal of Council of Trade and Plantations. Letters to Mr. Secretary Vernon (ordered March 23) and about Turkish passes (Feb. 24) signed.

Letter from Mr. Vernon, March 25, received, and draft of a Commission and Instructions for Col. Codrington to be Captain General and Governor-in-Chief of the Leeward Islands ordered to be prepared accordingly.

Order of Council of March 9 relating to ships of war to attend the Plantations read, and so much of it as concerns them ordered to be communicated to the respective Governors.

Orders of Council of same date upon Jews trading to Alexandria and enquiry into the misdemeanours of the Government of Rhode Island read.

Letter from Col. Fletcher, March 21, read, and copy ordered to be given to Mr. Miller.

March 28. Letter from Mr. Vernon, March 27, enclosing copy of an advice sent to the Royal African Company concerning pirates on the coast of Africa, read. Any members of the Company or persons able to give information on the matter invited to attend any morning before Saturday.

Copy of a Bill now depending before the House of Commons for encouraging the trade to Newfoundland read and discussed. [*Board of Trade.* Journal, 11. *pp.* 424-427; *and* 96. *Nos.* 51 *and* 52; *and* Trade Papers, 14. *pp.* 237-239.]

March 28. **214**. Memorandum of a copy of a Bill now depending in the House of Commons for encouraging the Trade to Newfoundland. ½ *p.* [*Board of Trade.* Newfoundland, 3. *No.* 130.]

March 28, 29, 30, 31. **215**. Minutes of Council of New York. Accounts of Hendrick van Dyck, Jacobus van Dyck and Jacob Staats, chyrurgions, for attending the soldiers at Albany considered, and the accounts of Robert Livingstone ordered to be audited. Petition of Richard Floyd read and referred.

A list of the debts of the Government was produced and communicated to the Assembly. Twenty pounds paid to James Evetts for making drawings for the buildings of the Fort. The accounts of expenses of seizing the *Hester* referred to a Committee. Four tydewaiters, to inspect shipping and prevent running of prohibited goods, appointed at 40*l.* per annum:—Capt. John Bowden, John Parmyter, Nicholas Feilding and Robert Cranwell; but the latter, already receiving forty-six pounds a year as one of the matrosses of the Fort and cockswain of H.M. pinnace, to receive no more than that amount. [*Board of Trade.* New York, 72. *pp.* 203-206.]

March 29. **216**. Journal of Council of Trade and Plantations. Memorial of the Proprietors of East New Jersey read. Sir Thomas Lane with Mr. Penn, Mr. Dockwray and other Proprietors of East and West New Jersey, applied for a report upon the several matters before the Board concerning them. They proposed, by way of accommodation in the business of ports at Bridlington and Perth-Amboy, to raise the same duties there that are laid at New York and give one half part thereof toward the charge of maintaining the frontiers of New York, and, on being told that the Board is required to advise with Mr. Attorney and Mr. Solicitor General on those matters, they said they would endeavour to bring them on Friday.

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Mr. Thomas Nisbet with Mr. David Waterhouse and another merchant offered verbally some objections to the Bill for encouraging trade to Newfoundland. They said they were to be heard before the Committee of the House, and were told the Board could not properly interpose unless required to do so.

Mr. Miller offered a long deduction of his case and was told the Board had no power to compel Col. Fletcher to pay him, and that he ought to make application to the Earl of Ranelagh's office or to the Treasury or in the ordinary course of law.

Mr. Lucas was told the report on his business would be made as soon as possible. The letter of Mr. Gamble to him was copied and returned to him.

March 30. Letter to the Treasury concerning the charges of the office ordered. Representation upon affairs of Newfoundland signed and sent to the Council Board.

Mr. Attorney and Solicitor General summoned to attend to-morrow.

Laws of Nevis and Antego, Sept.–Feb., with remonstrance of the General Assembly of Antego, Nov. 29, laid before the Board. The Laws referred to Mr. Attorney and Solicitor General.

Sir E. Andros, lately arrived from Virginia, stated that the Government had been put into Col. Nicholson's hands Dec. 9, and that he left all well. [*Board of Trade.* Journal, 11. *pp.* 427–430; *and* 96. *Nos.* 53 *and* 54.]

March 30.
Whitehall.
217. Council of Trade and Plantations to the King. The preservation of the Fishery of Newfoundland being of the greatest importance to this kingdom and the season of the year being now come for the departure of ships bound thither, which will be soon followed by the usual convoys, we humbly crave leave to lay before your Majesty some particulars relating thereunto which require a present consideration. Your Majesty having last year established a Company of Foot for the guard of the harbour of St. John's and of the forts there, it will be absolutely necessary, in case your Majesty be pleased to continue the company in that service, that care be taken to send a sufficient quantity of provisions, clothes and money thither to serve them until the ensuing year, and that a recruit of ten men be sent to make up the complement that may be wanting by death or desertion. We understand from Captain Norris, who commanded your Majesty's fleet there last year, that at the time of his departure from thence the remainder of the provisions, which had been sent whilst the forces were more numerous there, was sufficient in quantity to serve those now left there for a year longer, but that in his opinion they will be defective and spoiled before they can be served out to them. He proposes that one complete year's provisions should now be sent for the Company, and, upon their arrival, the old provisions should be disposed of at a public sale for the use of the soldiers. We humbly offer to your Majesty that the Commander-in-Chief of the convoys should be charged with the sale and be accountable for the same. Capt. Norris advises us that no money was sent by the Office of Ordnance last year for the subsistence of the gunners left there, and that for want thereof they were put to hard shifts for clothing

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themselves and subsisting during the winter. We propose that the necessary directions be given to supply that want and prevent the like inconvenience in future. Lt.-Col. Handaside, who succeeded to the command of the soldiers left there, on the return of Col. Gibson, has acquainted us with the great hardships suffered by them that winter, and the death of the greatest part of them, which he imputes chiefly to the want of sufficient barracks to defend them against the injuries of the winter season, and the impossibility of building such barracks whilst he was there for want of timber or stone, adding that unless some care be taken to have barracks built of stone or brick it will be very difficult for the men to live there, besides the hazard of fire if made of wood. Last March we offered our opinion that for the erecting of new and finishing the old fortifications it might be necessary that workmen should be sent from hence with such a quantity of brick, lime and plank, as the Office of Ordnance, upon consulting with engineers then lately come from thence, should find requisite, as also that a chain and boom together with an iron bridle and a crab or capstone should be likewise sent for the services mentioned in our report, and directions given for employing the seamen and soldiers in the works. Your Majesty gave directions accordingly, but, as we conceive through the pressure of other occasions, none of the said things were sent or done. The reason of the said proposals being yet the same we humbly offer that the directions then given should be now put in execution and that likewise a sufficient quantity of bricks and lime for building barracks for the company of men left there be further added to what we then proposed for the fortifications, and directions given for the building or repairing both of the one and of the other. Lastly we humbly beg leave to lay before your Majesty an abstract of the State of the last year's Fishery at Newfoundland: viz.—

The tonnage of 252 ships employed in that fishery amounts to 24,318 tons.

The number of men employed last year in that trade and fishery near 6,000 men.

The number of quintals of fish taken there is 272,618.

The value of the fish at 13*s*. per quintal at Newfoundland, as the price generally went there last year, amounts to £177,201 14*s*.

The returns of the fish to England from the foreign markets with the advantages of freight and otherwise may be reckoned near the double of its first cost and so will exceed £300,000. *Signed*, J. Bridgewater, Tankerville, Ph. Meadows, Wm. Blathwayt, Jno. Pollexfen, Abr. Hill. [*Board of Trade.* Newfoundland, 25. *pp.* 277-280.]

March 30.
Kensington.

218. Order of King in Council referring the petition of Francis Eyles to the Council of Trade and Plantations for consideration and report. *Signed*, John Povey. *Endorsed*, Recd. Ap. 1, Read Ap. 3, 1699. 1 *p*. *Enclosed*,

218. I. Petition of Francis Eyles praying for an Order in Council to permit the Hon. Ralph Grey, Governor of Barbados, to receive a present made to him by the Council and Assembly of "two thousand pounds in

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consideration of the charge he was at to fit and provide himself for his voyage thither." *Copy. Signed,* John Povey. 1 *p.* [*Board of Trade.* Barbados, 7. *Nos.* 81, 81 I.; *and* 44. *pp.* 245-246.]

March 30. Kensington. **219**. Order of the King in Council referring the petition of Sir William Waller, knt., Nicholas Dupin, Esq., Partners and Company, to the Council of Trade to examine and report thereon. *Signed,* John Povey. *Endorsed,* Recd. Read April 21, 1699. *Enclosed,*

219. I. Petition of Sir William Waller, knt., Nicholas Dupin, esquire, partners and Company, to His Majesty for establishing and settling the Island of Tobago. The Petitioners have agreed and contracted with Charles, Baron de Bloomberg, as Envoy from His Highness the Duke of Courland, under the broad seal of the Dukedom bearing date at Mitavia, March 28, 1698. The island of Tobago is under His Majesty's protection and will be of great advantage to the commerce of his dominions, having several harbours and being inhabited by the subjects of His Majesty and of the Duke of Courland. Many noblemen and merchants and others have become partners and raised a considerable Joint-Stock to carry on the said great and advantageous design. There are several Protestant Switzers and others disbanded from His Majesty's service who are willing to go and settle in the Island, who will be of great use for planting, defending and improving it.

The Petitioners therefore pray His Majesty to order two small frigots to transport the Governor, Agent, Switzers and other servants with their necessary provisions in order to settle the Island, and that one of the said ships may remain for some short time to cruise about the said Island till the petitioners have secured themselves and their goods there. *Copy. Signed,* John Povey. 2 *pp.* [*Board of Trade.* Barbados, 7. *Nos.* 82, 82 I.; *and* 44. *pp.* 251-253.]

March 30. St. George's. **220**. Minutes of Council of Bermuda. The sloop *Happy Jane*, Jonas Clay late master, previously condemned in a Court of Admiralty, ordered to be exposed for sale. [*Board of Trade.* Bermuda, 39. *p.* 10.]

March 30. **221**. Royal African Company to the Council of Trade and Plantations. Proposals for the suppression of pirates upon the coast of Guinea and the West Indies. (1) Orders to be sent to H.M. Officers in New England, New York, Carolina, &c., to prevent the pirates being supplied with provisions. (2) One fifth rate frigate to be appointed to cruise near the Cape de Verde Islands and the Isle of May, July—April and to put in once or twice into the river Gambia to gain intelligence from the Company's Agents at James Island. (3) One fifth-rate frigate to sail along the coast from Cape de Verde to Cape Coast Castle, touching there for intelligence from the Company's Agents, and thence along the

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coast to the Island of Princess and to cruise near that island for 5 or 6 months. (4) Several small frigates to cruise near Barbados and the other islands. *Endorsed,* Recd. Read March 31, 1699. [*Board of Trade.* Plantations General, 5. *No.* 11; *and* 35. *pp.* 36-37.]

March 31. **222.** Minutes of Council of New York in Assembly. The Assembly addressed the Governor and applauded his negotiations with the Indians. "You have sweetened their humour, which had been much soured by the great disappointments they had met with, which enraged them to such a degree that, if your Excellency's care had not intervened, they would have deserted their friendship to this Province and gone over to the French, which would have made the Peace more grievous to all the inhabitants than the late war." In gratitude, they promised their loyal support of his administration. The Governor thanked them. [*Board of Trade.* New York, 72. *pp.* 755-757.]

March 31. **223.** William Popple to Sir Thomas Trevor and Sir John Hawles. I am directed by the Council of Trade to enclose the Acts of the General Assemblies of Nevis and Antego past there in Sept. Nov. Dec. Jan. and Feb. last, and to desire either of your opinions thereupon with what speed you can conveniently. *Annexed,*

223. I. List of Acts passed at an Assembly at Antegoa in 1698.

(1) An Act encouraging the settlement of this island with white people and promoting the importation of servants. Nov. 3, 1698.

(2) An Act for the better regulation and settlement of the Register's Office. Nov. 3, 1698.

(3) An Act to prevent the inconveniences that may arise by the expiration of the late Act of Courts, dated July 22, 1692, and the expiration of the Justices' Commission. Sept. 22, 1698.

(4) An Act for raising a tax of 1,100,000 pounds of sugar, for paying public debts and charges and the support of the Government. Dec. 22, 1698.

(5) An Act for the restraining and punishing Privateers and Pirates. Nov. 3, 1698.

(6) An Act for establishing of Courts and settling due methods for the administration of justice in this Island. Dec. 22, 1698.

(7) An Act regulating the Militia. Dec. 22, 1698.

(8) An Act for Electing an Agent from time to time for this island, appointing a recompence for his trouble and settling methods for the better management of that trust. Dec. 22, 1698.

223. II. List of Acts passed at an Assembly at Nevis in 169$\frac{8}{9}$.

(1) An Act to confirm all Estates in this Island to and upon the Owners and Possessors thereof. Jan. 19, 169$\frac{8}{9}$.

(2) An Act of Indemnity for Administrators, Overseers, Trustees, Executors, etc. Feb. 2, 169$\frac{8}{9}$.

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(3) An Act for making the Negroes, Coppers, Mills and Stills of Intestates' Estates, chattels. Feb. 2, 169$\frac{8}{9}$. [*Board of Trade.* Leeward Islands, 45. *pp.* 348-350.]

March 31.
Nevis.
224. Copies in full of the Acts mentioned above. *Signed,* Wm. Burt, Walter Symonds, Dan. Smith, Jno. Smargin, Richd. Abbot, J. Bevon, Speaker. *Endorsed,* Recd. March 8, 1699. Sent to Mr. Solicitor General March 31, Recd. back May 28, 1700. Read Sept. 10, 1700. Reported Sept. 29, 1700. [*Board of Trade.* Nevis, 260. *Nos.* 1-4.]

March 31.
225. Journal of Council of Trade and Plantations. Capt. Nicholson, Mr. Roberts and another member of the Royal African Company presented some proposals for suppressing pirates on the coast of Guinea and the West Indies.

After interviews with the Attorney and Solicitor General and the Proprietors of the New Jerseys, the latter promised to make further proposals in writing for accommodating their differences with the Province of New York.

Draft of letter to the Treasury agreed upon. [*Board of Trade.* Journal, 11. *pp.* 431, 432; *and* 96. *No.* 55.]

March 31.
Whitehall.
226. Council of Trade and Plantations to the Lords of the Treasury. The allowances and salaries payable quarterly upon the establishment of this office being now one year in arrear and our officers, who have no manner of perquisites allowed them, being thereby put to great difficulties, we desire your order for the payment of the said year's allowances and salaries ending at Lady Day last. We also desire the payment of Mr. Churchill, the stationer, who has furnished our office these three years, for his account £203 2*s.* 7*d.*, and of an Officer of the Post for the postage of many of our letters, for his account of £24 16*s.* 5*d.* *Signed,* J. Bridgewater, Ph. Meadows, Wm. Blathwayt, Jno. Pollexfen, Abr. Hill. *Endorsed,* March 31, 1699. *Annexed,*

226. I. Copy of Stationers' Account.

226. II. Copy of Post Account. [*Board of Trade.* Miscellanies, 1. *Nos.* 39, 39 I., II.; *and* 11. *p.* 76.]

March 31.
New London.
1698.
Oct. 27.
227. Governor of Connecticut to William Popple. By the ships in July 1, 1698, I acknowledged receipt of the letters of Feb. 23 and March 21, 1698. The proclamations therein contained were immediately published. I communicated the command to transmit the Laws and Acts of this colony to the General Assembly, who were then considering a revision of their laws in order to a more complete body for the press, but it being impossible to have them ready to send by the ships now hastening to sail, the General Court have despatched the present printed Laws and the transcript of other necessary and local Laws suitable to the constitution of the affairs of this wilderness, as they have been found needful to be passed by the General Assembly, and hope to have their Lordships' good opinion concerning them. *Signed,* J. Winthrop. *Endorsed,* Recd. March 31. Read April 13, 1699. 2 *pp.*

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Governor Winthrop to Council of Trade and Plantations. *To the same effect as preceding. Signed,* J. Winthrop. *Endorsed,* Recd. March 31. Read April 13, 1699. 2 *pp.* [*Board of Trade.* Proprieties, 3. *Nos.* 2 *and* 3; *and* 25. *pp.* 383-385.]

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April 1.

228. Minutes of Council of Massachusetts. Proclamation ordered for apprehending Joseph Bradish and his accomplices. According to the evidence of some persons recently arrested on a suspicion of piracy, Bradish was boatswain's mate of the *Adventure* of London, Thomas Gullock, commander, bound to Borneo, and ran away with the ship when the captain, &c. were ashore on the Island of Polonis. They lately arrived at Block Island, Rhode Island, where, having taken out the money and most valuable part of the cargo, they sank the ship. [*Board of Trade.* New England, 49. *p.* 197.]

April 3.

229. Proprietors of East New Jersey to Council of Trade and Plantations. The Proprietors offer the following reasons, in obedience to your Lordships' commands, for their suggestion that the allowing a port in East Jersey upon the conditions proposed by them would be no detriment, but rather an advantage to New York. (1) The people of both provinces being under equal taxes of importation and exportation, the inhabitants of New York will not be tempted to remove to East Jersey. (2) Most if not all the improveable lands of New York are taken up and settled, whereby that province is now as well peopled as it is like to be for many years, and will therefore return under the same difficulties both for men and money in time of any future wars as they were in the last, and England will still be under a necessity of supplying them with men and money on such occasions. (3) But if East Jersey have a port, that country, which has a great deal of fertile land lying vacant, will soon be peopled from the remoter barren colonies and capable of furnishing men and money in case of any invasion from the French or Indians, the only reason which has yet cramped that country from increasing in people being the incapacity of importing what they want and exporting the product of their labours. (4) The moiety of the Customs arising at New Jersey being paid and applied to the support of the frontiers of New York, that province will be eased of such part of their present charge, or at least England will be discharged from that expense of men and money which it is now forced to be at for that purpose. If it is objected that, if the inhabitants of East Jersey supply themselves by their own importation, the Customs of New York will proportionably decrease, the Proprietors offer to put themselves under the same Customs and pay into the Treasury of New York yearly for the support of the frontiers as much as the Custom of goods consumed in East Jersey has amounted to in any year since the disjoining of that province from New York, if this offer is preferred to that of a moiety of the Customs arising at East Jersey. The Proprietors are much surprised at the objection your Lordships make to their right of Government, which they enjoyed during the reign of Charles II. not only by an uninterrupted allowance of it, but by a particular declaration recognising their authority and commanding

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the inhabitants to obey them, and by the late King James and since by His present Majesty. Their title to it is this. King Charles II. by letters patent granted the powers of Government of East Jersey to the Duke of York, who in 1682 granted them to the Proprietors, as appears by the grant now produced, which King Charles backed with the declaration above-mentioned. The Proprietors enjoyed it accordingly, and though in the Commission granted to Col. Fletcher, late Governor of New York, the Jerseys were at first inserted, yet upon the petition of Dr. Cox, then chief Proprietor of West Jersey, and a hearing at the Council Board, after a long debate by Counsel, wherein the assignableness of Government was particularly discussed, it was ordered that the Jerseys should be struck out. *Signed*, Wm. Dockwra, Sec. and Reg^r. *Endorsed*, Recd. Ap. 12, Read Ap. 13, 1699. 3 *pp*. *Annexed*,

229. I. Copy of grant from H.R.H. James, Duke of York, of East New Jersey, to 24 Proprietors, Mar. 14, 1682, at 10 nobles per annum. 12 *pp*. [*Board of Trade*. Proprieties, 3. *Nos*. 4 *and* 5; *and* 25. *pp*. 385-398.]

April 3. Whitehall. **230.** Mr. Secretary Vernon to Council of Trade and Plantations. I enclose a letter from the Governor of Barbadoes. His Majesty would have you report on his demand of a ship or two more to attend that Island. I enclose also a copy of the opinion of the Lords of the Admiralty as to the alterations proposed to your Lordships in the rules for granting Admiralty passes. *Signed*, Ja. Vernon. *Annexed*,

April 1. 230. I. Report of the Admiralty upon the Representation of the Council of Trade and Plantations concerning proposed alterations in the rules for granting passes for protecting vessels from the Turks. The granting of such passes should not be restrained only to H.M. natural-born subjects or such as are naturalized in England, but extended to denizens. We do not agree to the proposal for omitting the rule for granting passes to ships in foreign parts, but would only omit that part which requires the Proprietors to make oath that their ships had not been in England since Michaelmas preceding the time of making the rule. We agree with the proposed granting of passes to Scotch ships in Ireland from the Admiralty of Scotland. As to the rule which directs that no pass be granted to any ship that is not in some port in Ireland at the time of granting such pass, and that the propriety of such ships belongs to the inhabitants of Ireland, which the Council of Trade propose should extend to proprietors inhabiting H.M. dominions in general, we are humbly of opinion that this rule ought to stand as it doth, believing the first ground thereof was to restrain the inhabitants of Ireland from building ships for England, that so the intention of the Acts for the Encouragement of English Navigation might the more effectually be complied with. The granting of passes in Ireland should be extended to

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denizens. When appealing for passes one of the owners should give bond with the master. *Signed*, Orford, R. Rich, G. Rooke, J. Houblon, Kendall, G. Wharton. [*Board of Trade*. Trade Papers, 14. *pp.* 241-245.]

April 3. Fort William Henry. **231**. Minutes of Council of New York. William Demeyer, being disaffected to the Government and owing five or six years' excise for the whole of Ulster County, His Excellency removed him, and appointed Humphry Davenport, County Clerk of Ulster and Town Clerk of Kingston, in his stead. Demeyer refused to yield up the Records, pretending a power given by Governor Dongan to the Trustees of the Town to nominate the Town Clerk, which not being judged to exist, the major part of the Trustees submitted and ordered him to deliver up the Records. The Council referred the matter to the consideration of the Assembly.

Memorial of the inhabitants of the outward of the city read and referred to the Assembly.

Payment of 40*s*. ordered to John Kingsberry.

April 4. Judgment in the case of Tyrens and Cruger *v.* Depeyster confirmed. Appeal allowed.

April 5. Proclamation for reviving the Courts of Judicature ordered to be engrossed, sealed and lodged in the Secretary's Office, and likewise all future Proclamations. John Marsh's Petition read and referred to the Assembly.

April 6. Six pounds paid to Paulus Turk, who was wounded by several soldiers on 5th November.

The Lieutenant's lodgings ordered to be provided with necessaries.

£31 paid to Peter Dereymer for making and mending glass windows in the Fort.

April 7. Petition of Jan Baptist referred to a Committee.

April 7. Petition of the inhabitants of Hampstead and Oyster Bay referred for further consideration.

Petitions of Elizabeth Edmonds and Anne Bowen read and referred to a Committee. [*Board of Trade*. New York, 72. *pp.* 213-218.]

April 3. **232**. Minutes of Council of New York in Assembly. Petition of Richard Floyd read; he was allowed bail, and Col. William Smith's evidence ordered to be delivered to the Attorney General in order to his prosecution of Floyd.

April 4. Floyd discharged from the custody of the Sergeant-at-Arms, paying his fees. Ordered that Col. William Smith deliver the oil and bone of the whale that came on shore on the manor of St. George's to Capt. Samuel Mulford, if the latter can show that it was killed by persons employed by him.

April 5. A paper relating to the Five Nations of Indians, brought by Jan Baptist van Epe from Onnondage, referred to the Representatives.

April 6. A Committee of both Houses appointed to consider it. Messengers dispatched to the Indians with instructions.

April 7. The Representatives sent up a Bill for indemnifying persons
April 8. excepted out of the General Pardon, 1691. Read the first and second time and returned down with some literal amendments. [*Board of Trade*. New York, 72. *pp.* 757-763.]

1699.
April 3. **233.** Journal of Council of Trade and Plantations. Letter to the Treasury signed and sent.

Letter from Mr. Allen, New Hampshire, Jan. 14, read. Minutes of Council of that Province since his arrival laid before the Board.

Order of Council, March 9, about Jamaica and H.M. ships of war read.

Order of Council, March 30, read. Mr. Eyles ordered to be informed that the Act in question is in Mr. Attorney General's hands.

Mr. Lucas, being told that Col. Codrington had referred himself to the Board, promised to do the same and submit entirely to what their Lordships should think fit.

Draft of Col. Codrington's Commission considered.

April 4. The consideration of Col. Codrington's Commission continued. The question whether the words "as also upon soldiers in pay" be legal referred to Mr. Attorney and Solicitor General. [*Board of Trade.* Journal, 11. *pp.* 432-435; *and* 96. *Nos.* 56, 57.]

April 4. **234.** Attorney and Solicitor General to Council of Trade and Plantations. In answer to your enquiry of Aug. 4 last (*q.v.*), we are of opinion that in personal actions where the matter in question exceeds the value of £300, an appeal of right ought to be allowed by the express words of the charter, and upon any action or information upon seizure of ship or goods for trading contrary to the law, where the value is either above or under £300, an appeal does lie from the judgment of the Court of Judicature there in case His Majesty in Council shall think fit to allow thereof. An allowance of such appeal, we conceive, will be no infringement or violation of the charter. *Signed*, Tho. Trevor, Jon. Hawles. *Endorsed*, Recd. Read June 28, 1699. *Enclosed*,

(1) Letter of William Popple to the Attorney General, Aug. 4, 1698.

(2) Extract of the charter to Massachusetts Bay sent therewith.

(3) Address of the Council of Massachusetts, July 16, 1691 (*Cal.* 1691. *No.* 677 I.).

(4) Copy of Order of Council, May 27, 1697, mentioned in above address. [*Board of Trade.* New England, 9. *Nos.* 58, 58I.-III.; *and, without first three enclosures,* 37. *pp.* 146-152.]

April 4.
St. George's, Bermuda. **235.** Governor Day to Council of Trade and Plantations. By the opportunity of Capt. St. George Tucker, who left here for London Oct. 15, I gave an account of my arrival, Aug. 16, and of the condition in which I found these islands and what methods I was using to redress all grievances and settle the Government in unity, peace and concord by calling a Council and General Assembly and appointing an Attorney-General and other proper officers with what expedition my then short residence would admit of. In pursuance of my instructions in relation to my predecessors, Col. Isaac Richier and Col. Goddard, I have had some examination into their differences and about the imprisonment of Mr. Richier, and found he lay in prison at the suit of Nicholas Trott, Esq., late Governor of the Bahamas, only, and thereupon he, giving in

security of £2,000 to answer the prosecution of the said Governor Trott in England, by the advice of the Council he was set at liberty, and so continued ever since. By Capt. Benjamin Stow of these islands I received ten barrels of gunpowder, three flags with halyards and two rhemes of cartridge paper, which I have ordered to be put in the magazine. H.M. Frigate *Sunprize* (*sic*; Surprise elsewhere), Capt. Edward Briscoe commander, in the room of Capt. Watts, deceased, arrived on Jan. 24th, with an order to follow my orders in bringing over the late Governor and some others, which accordingly he hath done. I acquainted Col. Goddard and Col. Richier, who have had continual differences together, and advised them to be expeditious with their affairs, in order to embark for England. The ship arrived in bad weather, which here continued more severe than usual at this time of year. We have given her our utmost assistance and some provisions for her voyage. I have taken a particular care for the apprehending and subduing pirates and sea-rovers, and have actually seized and committed to prison two notorious pirates of Avery's crew, by name Daniel Smith and Benjamin Griffen, and herewith sent the copies of two affidavits given in against them. But the said Benjamin Griffen by the villainy of his keeper, William Brice, together with him, did on Feb. 25 make an escape, and they with others, viz. Henry Pulleyne, son of Thomas Pulleyne, Esq., studmaster to his Majesty, James Hilton of this island, Boaz Bell, jun., Thomas Stow, jun., William Evans, Samuel Apowen, James Burchall, James Branton, John Janson, servant to the said Henry Pulleyne, and Samuel Jones, an apprentice, have run away with a sloop of these islands and have taken seven Granado shells filled, and a barrel and an half of shot out of His Majesty's magazine, so that it may be reasonably judged they are gone upon some villainous enterprise. However, I have sent letters to all the neighbouring Governments for their being retaken and dealt with according to law, but the said Daniel Smith is still in custody, and I shall securely keep him until I shall receive further directions. I received two letters of Sept. 20 and Nov. 23, wherein you make mention of some French prisoners being detained in his Majesty's Plantations, and of one Captain Kidd and his gang being abroad in some of our parts in America. In all obedience whereunto I have made a strict and narrow enquiry throughout these islands, but cannot hear that ever any of the Frenchmen have been here or now are, nor that the said Kidd or any of his gang are in these parts. *Signed*, Sam. Day. *Endorsed*, Ap. 4, June 7, 1699. *Enclosed*,

235. I. Duplicate of above.

235. II. Deposition of Daniel Johnson, junr., Mariner Master of the Sloop *St. Georges* now riding at anchor in these islands. About Sept. 15, being at Curacao in the said sloop, he met with Daniel Smith now in custody, who said that he came off from Bermuda in the sloop whereof Mr. Samuel Spofforth, Jeremiah Burges and others were owners, in which came also Thomas Peniston and Daniel Newton. He added that being lately in the East Indies he met with a vessel called the *Fansye*, whereof one Capt. Every was master, and

that Benjamin Griffen, now also in custody, was then in company with him, Daniel Smith, and their vessel proving leaky they went on board the *Fansye* and meeting with a vessel at sea they took her and were informed by her of another larger vessel of great value; which they also engaged and took and had for each man's share twelve hundred pounds in silver and gold, and that William Griffen, brother to the said Benjamin, was also in company with them, who was lately in these islands, and that the first land they came to was Eleutheria and then to Providence, and further sayeth not. *Signed*, Daniel Johnson. Sworn Jan. 12, 1698, before His Excellency Samuel Day, Esq., Governor. A true copy, *certified by* Charles Minors, Secretary.

235. III. Duplicate of above.

235. IV. Deposition of Sarah Birch of Sandysats, Somerset Tribe, Dec. 30, 1698. About five years since her husband, John Birch, with William Griffin and Daniel Smith sailed from hence to Saltitudoes and thence to Carolina. Griffin and Smith acquainted her that they, with her husband, sailed from Carolina to Madagascar, and they two betook themselves to another vessel which they went a-roving in, and that John Birch sailed in the vessel he arrived in and likewise went a-roving, and after nine or ten months or thereabouts both the aforesaid vessels met at Madagascar; and they told her the booty of the vessel her husband was in was divided and that it amounted to £800 a share, of which her husband had one share. Griffin and Smith owned that their company robbed all the ship's company that Birch was in, and said that Sarah Birch should not want for five pounds, and afterwards told her that if she would come to either of them she should have ten or a dozen pounds. *Witnessed by* Tho. Shepperd, R. Halsted. *Signed*, Sarah Birch, her mark. *Copy*.

235. V. Duplicate of above. [*America and West Indies*. Bermuda, 477. *Nos*. 56, 56 I.-V.]

April 4.
Whitehall.

236. William Popple to Sir Thomas Trevor and Sir John Hawles. The Council of Trade and Plantations, having under consideration the draft of a Commission for Col. Codrington to be Captain-General and Commander-in-Chief of the Leeward Islands, desire your opinion as to whether the words "as also upon soldiers in pay" be legal and fit to be continued in the Commissions to Governors at this time. The words occur in the clause relating to Martial Law, which has been in all Commissions to Governors of His Majesty's Plantations these many years; "We do hereby grant unto you full power and authority to levy, arm, muster, command and employ all persons whatsoever residing within the said Islands and Plantations and, as occasion shall serve them, to transfer from one Island to another, for the resisting and withstanding of all enemies, pirates and rebels both at land and sea, and to transport such forces to any of our Plantations in America,

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if necessity shall require, for defence of the same against the invasion or attempts of any of our enemies; and such enemies, pirates and rebels, if there shall be occasion, to pursue and prosecute in or out of the limits of the said Islands and Plantations, or any of them; and if it shall so please God them to vanquish, apprehend, and take, and being taken either according to the Law of Arms to put to death or keep and preserve alive at your discretion; and to execute martial law in time of invasion, insurrection or war, as also upon soldiers in pay, and to do and execute all and every other thing and things which to a Captain General doth or ought of right to belong, as fully and amply as any our Captain General doth or hath usually done." [*Board of Trade.* Leeward Islands, 45. *pp.* 351, 352.]

April 6. Whitehall. **237.** 1. Petition of Edward Chilton, of the Middle Temple, Barrister-at-Law, who was for several years Attorney General of Virginia, praying His Majesty to appoint him Attorney General of Barbados. *Signed,* E. Chilton. *Beautifully written.*

2. Order of Council referring the petition to the Council of Trade and Plantations to consider and report thereon. *Signed,* James Vernon. *The whole endorsed,* Recd. Read April 19, 1699. 1 *p.* [*Board of Trade.* Barbados, 7. *No.* 83; *and* 44. *p.* 250.]

April 6. Kensington. **238.** Order of King in Council approving the Representation of March 30 (Newfoundland), and instructing the Council of Trade to give the necessary directions to the several offices for the speedy dispatch of the matters proposed. *Signed,* John Povey. *Endorsed,* Recd. Read April 13. [*Board of Trade.* Newfoundland, 3. *No.* 131; *and* 25. *p.* 284.]

April 6. Kensington. **239.** Orders of King in Council to the Treasury, Ordnance and Admiralty Offices to give the necessary directions to put the proposals of the Council of Trade, March 30, touching Newfoundland, into execution. 2 *pp.* *Endorsed,* Recd. Read April 13, 1699. [*Board of Trade.* Newfoundland, 3. *No.* 132; *and* 25. *pp.* 285-286.]

April 6. **240.** Minutes of Council of Barbados. Col. Leshly (Leslie?) was sworn a member of the Assembly. Mr. Lane was ordered to attend next Council Day. £55 for James Mashart, Clerk to the Committee for Public Accounts, passed. The Assembly attended and presented a Bill entitled an Act to repeal a clause in an Act entitled an Act to ascertain the duty of masters of ships and merchants for the payment of an impost of powder on the tonnage, and a supplemental clause to the said Act was read three times and passed by His Excellency and Council *nem. con.* and ordered to be published by beat of drum. [*Board of Trade.* Barbados, 65. *pp.* 390, 391.]

April 7. **241.** Minutes of Council of Massachusetts. Select-men of Watertown and William Johnson, J.P. in Middlesex, summoned to appear about a disorder there. [*Board of Trade.* New England, 49. *p.* 198.]

April 7. **242.** Attorney and Solicitor General to Council of Trade and Plantations. We are of opinion that the word *Insurrection* and

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likewise these words, *as also upon soldiers in pay*, should be left out in Col. Codrington's Commission, and then the clause will run thus, "and to execute Martial Law in time of invasion or war," and this we think is as far as can be justified by law. *Signed*, Tho. Trevor, Jo. Hawles. *Endorsed*, Recd. April 10, Read April 12, 1699. [*Board of Trade.* Leeward Islands, 6. *No.* 12; *and* 45. *p.* 353.]

April 8. Admiralty Office. **243**. J. Burchett to Wm. Popple. There being a convoy going to Newfoundland, which probably may sail from the Buoy of the Nore in three or four days, if there are any heads of enquiries to be made at Newfoundland you will please to hasten the same hither, that so the Commander of the Convoy may be directed to make them accordingly. *Signed*, J. Burchett. In case it shall be thought necessary to give this convoy the like heads of enquiry as the last had, without any alterations or additions, I will take care to see it done upon receipt of your answer. *Signed*, J.B. *Endorsed*, Recd. April 10, Read April 12, 1699. [*Board of Trade.* Newfoundland, 3. *No.* 133; *and* 25. *p.* 281.]

April 9. **244**. Minutes of Council of New York. Trial of the mariners that ran away with the *Adventure* and were seized in Connecticut decided to be in the Courts of that colony. Proclamation ordered promising rewards, etc., for seizure of seamen concerned.

April 11. 16*l.*, a Match Coat, a pair of pumps, a pair of stockings and a blanket allowed to Arnout the Interpreter, who went to the Onnondages with Capts. Bleeker and Schuyler.

Survey of land ordered on the petition of William Hallet.

April 38*l.* paid to Jan Baptist for several journeys to Onnondage.
12 and 13. 5*l.* 12*s.* paid to Richard Plaistead, doorkeeper to the last Assembly. [*Board of Trade.* New York, 72. *pp.* 218-221.]

April 11. **245**. Minutes of Council of New York in Assembly. Instructions to Capt. Johannes Bleeker and Capt. John Schuyler, messengers to the Indians, approved. Bill for establishing Courts of Judicature sent up and read the first time.

The Governor communicated his instructions that a law be passed about the value of estates to qualify Jurors, about facilitating the conversion of negroes and Indians, and the building of public workhouses. Sent down to the Representatives, to whom the building of a handsome, well-contrived Town-house and a good gaol was recommended.

Preparation of a Bill for the regulating of elections recommended.

April 12. The Indemnifying Bill was brought up amended, and sent down to be engrossed.

April 13. Clause added to the Instructions of Captns. Bleeker and Schuyler, that if the French or French Indians should make any insult upon our Indians, they would do well to resist force with force, and that H. E. will assist them as far as he is able. [*Board of Trade.* New York, 72. *pp.* 763-766.]

April 11. **246**. Minutes of Council of Massachusetts. Speedy payment of the apprehenders of Bradish ordered. Treasurer's account of

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sales of peltry approved. Select-men, and Simon Stone, Joseph Sherman and Mr. Justice Johnson of Watertown heard. Warrants for choosing officers declared irregular and Stone and others pretending to be Town Officers directed not to disturb the peace of the town by acting as such; Mr. Justice Johnson admonished to be better advised for the future. [*Board of Trade.* New England, 49. *p.* 203.]

April 12.
Boston.

247. William Stoughton to Mr. Secretary Vernon. The affairs of New York necessarily detaining Lord Bellomont, so that he has not yet had an opportunity of visiting this part of his government obliges me to give your Honour the trouble of these lines, by your Honour's hand humbly to represent unto His Sacred Majesty the state of this His Majesty's Province. Enjoying the advantages of the happy peace, and freedom from the vexations, molestations and incursions of the bloody savages who broke forth into rebellion, and for many years continued to make depredations upon the out-towns and Plantations, killing and captivating of His Majesty's subjects as they could find opportunity, the said Indians deprived of the assistance of France have submitted, whereby His Majesty's subjects are encouraged to hope that they may have some respite to recover themselves out of their poverty and suffering whereunto they have been plunged by so tedious and wasting a war, and to that end are applying themselves with utmost industry for the resettlement of their desolated Plantations and improvement of the Fishery. Some hundreds having their sole dependence upon the said Fishery, and would be driven into pinching want should they be interrupted therein by the French, whose unjust and groundless pretensions lately made unto the sole right and privilege of the same on the high seas off and about the Coast of Nova Scotia or Accadie, including Cape Sables, has put them in fear, and moved the Government to make their humble addresses unto His Majesty on that occasion, as also relating to the challenge of the French to extend their bounds farther westward, unto Kennebeck River, I pray your Honour's favour therein, a speedy setting aside and removing of those unreasonable demands of the French will much conduce to the preservation of His Majesty's interests and good settlement of this his province.

About March 19 arrived at the east end of Long Island the ship or hakeboat *Adventure* of London, burthen about 350 tons with 22 guns, Thomas Gulleck late commander, which sailed from Gravesend, March 16, 1698, bound to the Island of Borneo in India, upon an interloping trade, being set forth by Capt. Henry Tate and Capt. Hammond, who keep a brewhouse in Thames Street, Mr. Samuel Shepard and the Heathcotts, merchants in London, and having proceeded so far onwards of her voyage as Polonais, there stopped to water; and the said commander with several of the officers, mariners and some passengers being on shore and the boats gone on board with water, the rest of the ship's company combined and conspired together to leave them and run away with the ship and lading, Sept. 17. They cut the cable and brought the ship to sail, offering the yaule to some of the company that refused to join with them in the piracy to transport them to the shore.

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Several went off in her to the island; the surgeon's mate and two other youths they forced to stay. The chief mate also with the boatswain and armourer not consenting in the villainous act but unwilling to go on shore at the Island, they gave the long boat unto them with necessary provisions, etc., three days after, being then about 20 leagues from the land, in which they went off from the ship. The remainder of the company on board, being 25 or 26, made choice of one Joseph Bradish, the boatswain's mate, to be their commander, whom they preferred for his skill in navigation, and directed their course for Maurisias, where they fitted the ship, took in some fresh provisions and two young gentlemen named Charles Seymore and John Power, who being on a voyage for India in a ship under the command of one Capt. Pye, were unhappily left behind on the said island. From Maurisias they came about Cape Bon Esperance, and in short time after made a sharing of the money on board, which was contained in nine chests stowed in the breadroom, and set forth three or four and twenty single shares, besides the Captain's, which was two shares and a half, weighing out the money. Some received 1,500, others 1,600 dollars for a single share. They afterwards made a second sharing of broadcloths, serges, stuffs and other goods on board. They stopped at the Island of Ascension, took some turtle and fresh provisions in there, and then directed their course for this Continent and arrived as aforesaid at Long Island, where Capt. Bradish went on shore, carried the most of his money and jewels with him, committed them to the custody of a gentleman on the island, sent a pilot on board to remove the ship and bring her to an island called Gardner's Island, but, the wind not favouring them, ran over to Block Island within Rhode Island Government, whence they sent two of the company to Rhode Island to buy a sloop, but the Government there, having notice that a ship was hovering about those parts suspected to be a pirate, seized the two men and detained them, the intelligence whereof being carried to the ship and some sloops being descried coming from the island towards the ship, the company, fearing that they were manned out from thence to seize them, forthwith came to sail and stood off to seaward. The sloops following them came up with them, and being informed what the sloops were, permitted them to come on board and bought one of them and hired another to transport them and their money, allowing the sloopmen to take what they pleased out of the ship, and having put their moneys on board the sloops, sank the ship and got on shore, some in one place, some in another, landing at farmhouses, where they provided themselves of horses and scattered into divers parts of the country, the Captain and some others with him coming into this Province. Upon the first intelligence whereof a Proclamation was issued and hue and crys sent through the Province and into the neighbouring Government to pursue and seize all such of them as could be found, with their treasure. The Captain with ten more of the company are apprehended and in custody here in order to a trial, who upon examination severally confessed the particulars before recited, and a considerable quantity of money to the value of near 3,000*l*. with several goods and merchandize taken out of the ship

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are seized. Seven or eight more are apprehended within Connecticut Government, and pursuit is making after the rest. The Justices of the Peace and other officers in their respective stations have been very vigorous in the prosecution of these villains and the people in general have a just resentment and abhorrence of such vile actions, and the Government here will be very zealous in the discountenancing and punishing of all such criminals. *Signed*, Wm. Stoughton. *Endorsed*, Rd. July 15. 3¼ *pp.* [*Board of Trade.* New England, 9. *No.* 58 A.]

April 12. Whitehall. **248.** William Popple to Mr. Burchett. The Lords Commissioners for Trade and Plantations desire you at present to send by the convoy for Newfoundland the like Heads of Enquiry as were given unto the last according to your own proposal, and to let them know whether there be not some other convoy intended for Newfoundland in May or June next as usual, that they may against that time prepare whatever they shall find further necessary and that you would inform them of the names and force of the convoys intended thither either now or then. [*Board of Trade.* Newfoundland, 25. *p.* 282.]

April 12. **249.** Journal of Council of Trade and Plantations. Letter from Mr. Burchett, Ap. 8, read: instructions given for reply. Mr. Hutcheson, formerly agent for the late Col. Codrington, attended and doubted not Col. Codrington would refer himself entirely to the Board as Mr. Lucas had done, but would speak to him about it. Col. Handaside acquainted the Board with some hardships that the officers and soldiers, left with him by Col. Gibson in Newfoundland, lay under, and promised a more exact memorial in writing. The clause about "soldiers in pay" in Col. Codrington's Commission was altered in accordance with Mr. Attorney and Solicitor General's advice.

April 13. Representation on Col. Codrington's Commission ordered.

Letters from Col. Winthrop, Governor of Connecticut, Oct. 27, with Laws of that Colony read. Letter in answer prepared.

Attorney and Solicitor General asked for the despatch of their opinion on the Laws of Pennsylvania in their hands.

Mr. Burchett's reply to yesterday's letter about convoy read.

Order of Council about denization, Nov. 3, read.

Order of Council, March 16, relating to Col. Fletcher, read.

Orders of Council, Ap. 6, relating to Newfoundland, read. Letter ordered to the Earl of Romney and Mr. Burchet. Mr. Thurston, named by Col. Handaside as a person proper to be agent for the Company left at Newfoundland, ordered to attend.

Memorial from the Proprietors of East New Jersey, Ap. 3, read. Reply ordered to Mr. Dockwray that their Lordships intend to offer to His Majesty in Council on Thursday that a trial at Bar be had in Westminster Hall on a feigned issue, according to the proposal of the Proprietors in the end of their late petition, whereby their claim to a Port at Perth Amboy, together with the right of government of the Province of East New Jersey, upon which that claim is grounded, may receive a judicial determination. Copy of their grant ordered to be taken. [*Board of Trade.* Journal, 11. *pp.* 435-439; *and* 96. *Nos.* 58 *and* 59.]

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April 13.
New York.

250. Governor the Earl of Bellomont to the Council of Trade and Plantations. By perusing the papers I send with this letter you will be informed particularly of our Indian affairs. In the *Message to the Five Nations* you will find that the Commissioners, who are all the Magistrates of Albany, notify to the Five Nations of Indians the death of the Count de Frontenac, Governor of Canada, and expostulate with them for having sent to treat with the Governor of Canada about the release of some prisoners contrary to their promise to me when I had the conference with them at Albany. (*See Calendar*, 1698.) The next enclosure is the proposition of two Indian Sachems, whereof Decanissore is one, a brave fighting fellow that has done the French much mischief, and they have mightily endeavoured to debauch him from us, but in vain. His errand mightily alarms the Magistrates of Albany, which produces a consultation among 'em and their request to three of their body to go to the Indian Castles and dissuade our Indians from going or sending to treat with the Governor of Canada for the delivering of some few of our Indians that are prisoners. I enclose a copy of that request, of Col. Schuyler's letter giving me an account of a message from our Indians by John Baptist who was sent to 'em from Albany, and the result of that message, three minutes of Council and five minutes relating to a conference between the Council and House of Representatives about the preparing instructions for our Messengers to the Five Nations and the said instructions. The foregoing papers contain everything that has been transacted between the Indians and me since I last writ, and it is easy to perceive by them that the Indians are very much disturbed and terrified by the French, from two reasons chiefly:—their own decrease in number and strength, from near 3,500 men that they were at the beginning of the war to about 1,100 now, and the slender appearance we make on the frontier in the poorness of our forts and weakness of our garrisons makes us contemptible in their eyes, whereas the French at Canada allure 'em chiefly by the good figure they make, and several good forts of stone and especially Cadaraque fort which Col. Fletcher neglected two years together to demolish when the French had deserted it, that fort lying so on the skirts of our Indians as to incommode them extremely in the time of war. So that upon the whole matter it is apprehended by the most knowing people here that we shall entirely lose the Five Nations, unless an effectual and speedy course be taken to retrieve their affection, which course must be, with submission, the building good stone forts at Albany and Schenectade, which may be done in both places for 8 or £9,000 according to Col. Romer's computation, and by keeping good garrisons there. I am so strongly persuaded your Lordships will be convinced by that cogent argument, necessity, and will send me orders for building those forts, that I intend very speedily to order the raising of stone for making the walls and for burning lime, and though our treasury is very poor and much indebted, I will pinch money any manner of way from other uses rather than this so necessary work shall be delayed. The providing for it will be some encouragement to our Indians and likewise to our own people, who think that if we lose our Indians

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they shall be undone, and the province will be lost; and indeed I am of their mind. I have spent much thought how to find out and settle a trade with new Indians, for which end I have discoursed several people here, and Mr. Livingston among others, and his memorial on that subject goes herewith. I should be glad we could bring that trade to New York with the Indians he proposes; it would be for the advantage of this province, and somewhat for my credit too, but as 'tis the interest of England I chiefly meditate, I reckon I should abuse your Lordships if I did not freely own to you that Carolina lies infinitely more commodious for a trade with those nations of Indians which are called the Shateras, Twichtwicht and Dowaganhas Indians, and a world of other nations, which some of our Indians at Albany told me were as numerous as the sands on the sea-shore. 'Tis, if I mistake not, in the county of the Dowaganhas that the French have built a Fort under the conduct of M. de Tonti, where they keep a garrison of 30 men, but with that little fort and garrison, by the help of their missionaries and the trade thither from Canada, they make a shift to manage a very profitable trade with those nations. 'Tis not agreeable to reason that we from this province can so conveniently trade with those Indians as the people of Carolina may, we having 700 miles to go, and they not above 100 or 150. They can afford English goods as cheap as we, and either of us much cheaper than the French. I should advise your Lordships' directing the Governor of Carolina to apply himself industriously to open a trade with those Indians. Here is a gentleman now in this town who was a few years since among them, with some other English; he tells me they were very fond of trading for English commodities. What they [the French] cannot do by enticement, I mean debauching them away to go and live in Canada, they destroy clandestinely by their Indians in hunting, they directing, as I am told, their Indians when they meet 'em to knock 'em on the head, by which means ours must soon be totally destroyed. Therefore it is that I propose the finding out now in time of peace a trade with those remote Nations. Surely the French will not pretend to the propriety of that vast country, or, if they should, would England truckle to 'em. I have been so free with Col. Nicholson and Col. Blakiston, Governors of Virginia and Maryland, as to put them in mind of opening a trade with the Indians that lie at the back of those countries; perhaps they may think me impertinent to pretend to advise them. Some people at Albany are jealous that Mr. Dellius, the Dutch minister there, betrayed us when he went with Col. Schuyler to notify the peace to the Governor of Canada, and I confess I am not free from a jealousy myself, when I consider how extraordinary desirous he was to be sent, and that the Governor sent afterwards to four of the Five Nations to offer them peace, but excluded the Nation of Mohacks, which was a surprising thing to all people here and never known to be done by the French before. That man is capable of any mischief whatsoever. I acquainted you after by return from Albany of his circumventing the Mohacks and what impudent lies he told me before the magistrates of Albany. Since that, my Lieut.-Governor being sent by me to Albany to watch the French, who threatened

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to make an incursion on our Indians, he endeavoured to make a breach between him and me, and invented an untruth to put my Lieut.-Governor out with some honest men at Albany, whom he had a pique to, as my Lieut.-Governor's certificate will show, and which he found out Mr. Dellius had forged in prejudice to those men. He has for several years kept a correspondence with the Jesuits at Canada, which gave people a jealousy he was popishly affected. In Capt. Leisler's time there was a letter intercepted from a French Jesuit at Canada to a Jesuit that was on a mission to our Five Nations; the messenger had an instruction wherein some papers were mentioned: and Capt. Leisler thinking it for the King's service to have a sight of those papers, and the letter and instruction together leading him to believe Mr. Dellius was privy to that matter and knew where the papers were, sent to him at Albany to come to him here at New York. Mr. Dellius fled and was absent till Leisler was made a prisoner by Col. Slaughter, and then he had the courage to appear and contribute all he could, with Bayard and Nichols, to bring Leisler and Milburn to their unfortunate end. This letter of the Jesuits I was very curious to see, but could not get a sight of it. It was found at last in the Secretary's office and I send a copy of it. His Dutch name is Dell, as in the letter, but it seems in the schools in Holland it is the custom to make the names Latin, at least of those that are bred Divines. He is a most proud, wicked man, and so contentious that he has divided the people at Albany into factions and parties, who would otherwise have been all united. A man of his own party, that is of the contrary party to Leisler, and a dweller at Albany, owned to me that Dellius kept up divisions among the people there, and that it were happy if he were out of the province. I am told the Assembly intend, for the scandal of his life and his fraud to the Mohack Indians, to expel him the province. He has, as I formerly wrote to your Lordships, a personal hatred to the King; and has spoke very reproachfully of his Majesty. Till my going to Albany he would never pray for King William (and that made the quarrel between Capt. Leisler and him), but because he would be safe his manner was always in the pulpit to pray for the Crown of England. Another instance of his wickedness comes within my knowledge. The present Mayor of Albany and two or three other honest men of that town were much pecked at by Dellius and persecuted, insomuch as he threatened to excommunicate them, whereupon they forsook his Church. The Mayor coming here to York told me this, but I persuaded him at his return to be reconciled to Dellius, and, since there was no other Minister, to go and hear him preach. Accordingly he employed one to reconcile him, but Dellius sent him word 'twas in vain to seek a reconciliation, and so refused absolutely. I can prove by the oaths of very credible persons several immoralities of his life, as drunkenness and the like. I should not have been so particular about him in this letter, but that I understand there are letters newly come to this town from Bayard in England, wherein he makes the faction here believe that his complaints against me have been very favourably heard by your Lordships, that Col. Fletcher upon a hearing before your Board, in answer to the accusations

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I sent over against him, was cleared and that there would be an order sent to me to cancel the bond of £10,000 which he and his securities entered into; that there was a petition to your Lordships against me signed by a great number of marchands in London, and that a minister was sent by the Classis at Amsterdam to complain of me for my ill-usage of Mr. Dellius. This news has much heartened the factious people here, and they hope the interest of the Classis of Divines will ruin my interest at Court, and Mr. Vesey, the Minister here, has told me he has been urged very much by the angry people here to complain home of my design of vacating Col. Fletcher's lease to the Church here of the Governor's demesne called the King's Farm, and by other hands I am told they propose to raise a storm against me upon this very account, and to imbroil me with the Bishop of London, and they argue thus —Sir Edmund Andros for quarrelling with Dr. Blair in Virginia brought the resentment of the Bishop of London and the Church (they say) on his head, which is the reason he has lost his Government, and by the same rule they would get me recalled by making this a Church quarrel. Col. Fletcher would never part with this farm during his own government, until November, '97, that he heard for certain I had the King's Commission, and then he makes this lease to the Church and antedates it in August; so that his kindness to the Church was to be at his successor's cost, not at his own. Besides Mr. Attorney-General assures me that, in Col. Dongan's time, he to make his court to K. James desires this farm might be appropriated to the maintenance of a Jesuit school; but K. James (bigot though he was) refused, saying he would not have his Governors deprived of their conveniences. As to Mr. Bayard's complaint against me, when I know what it is, I do not doubt to answer it to your Lordships' satisfaction in all points. As to the petition of some marchands in London, I must believe there is something personal in their prejudice to me. I know there is a sort of men called Jacobites that hate me for several reasons, and one is, because I don't love them. I did not imagine that the suppressing of piracy here and checking unlawful trade would render me odious to the marchands in London. *Signed,* Bellomont. *Endorsed,* Recd. Aug. 31st. Read Sept. 6, Dec. 8, 1699. 5 *pp.* *Holograph.* *Enclosed,*

250. I. Abstract of above letter. 1¼ *pp.*

250. II. Copy of a message from the Commissioners for Indian affairs to the Five Nations. At the City Hall of Albany, Dec. 26, 1698. Present, Hend. Hanse, Mayor; Jan Janse Bleeker, Recorder; the Aldermen and Sheriff; Major Dirk Wessels; Capt. J. Weems; convened at the request of Col. Peter Schuyler and Robt. Livingstone, two of the Commissioners for Indian affairs, approved of a message announcing the death of Governor Frontenac, and enquiring whether it be true that some of the Five Nations have sent a messenger to the Governor of Canada with belts of wampum to treat with him. 1¾ pp. *Endorsed,* Recd. Aug. 31, Read. Sept. 6, 1699.

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250. iii. Copy of propositions of two Indian Sachems about their having been to Canada and the design to send messengers thither, Feb. 3, 1699. Dekanissore, a Sachem of Onnondage, said, "A certain Indian of our Castle called Cohensiowanne applied himself to us and said since it was peace he was inclined to go and see his father at Canada. It was debated among the Sachems whether he should carry a belt of wampum with him, but they decided, why should we send any belts to the French, since it is expressly forbid by our Great Brother, Corlaer, H. E. the Earl of Bellomont, to have any correspondence with them? and so no belts were sent." But later, he said, it was decided to send three messengers with three belts of wampum and four French prisoners to treat with the French for the restoration of their prisoners, etc. Whereupon John Baptist, the interpreter, was despatched with all speed to stop those messengers. Carondowanne, a Sachem of Oneyde, seeing everybody so much displeased, said that he and many more with him were always of opinion that this method of sending to Canada would be very displeasing.

Feb. 5 and 6. Further examination of Dekanissore and the French prisoners. *Signed*, Robt. Livingstone, Secretary for the Indian Affairs. *Endorsed as preceding.* 6 *pp.*

250. iv. Magistrates of Albany to Col. Schuyler, instructing him, Hend. Hanse and Major Dirk Wessels to go to Onnondage and dissuade the Indians from going to Canada. Feb. 4, 1699. *Copy. Signed and endorsed as preceding.* 2¼ *pp.*

250. v. Col. Schuyler to the Earl of Bellomont, enclosing John Baptist's account of negotiations with the Indian messengers who have been at Canada. Albany, March 29, 1699. *Copy.* 1 *p. Endorsed,* Recd. Aug. 31, Read Sept. 7, 1699.

250. vi. Account of the negotiations of the Indian Messengers with the Governor of Canada. March 21, 1699. *Copy. Signed,* John Baptist. 1½ *pp. Endorsed,* Recd. Aug. 31. Read Sept. 7, 1699.

250. vii. Copies of Minutes of Council, and of Council and Assembly of New York, April 5th, 6th, 7th and 11th, 1699, relating to Indian affairs. Resolved, that Johannes Bleeker and Capt. John Schuyler, with Arnout Cornelise Viele and Jan Baptist van Epe as interpreters, go to the meeting of the Indians at Onnondage with instructions. *Endorsed,* Recd. Aug. 31. Read Sept. 7, 1699. 3 *pp.*

250. viii. Copy of Instructions to Capt. John Schuyler and Capt. John Bleaker. You are to acquaint the Sachems of the Five Nations that their treating with the French is very ill taken by H. E., and to dissuade them from like ill practices in the future, insinuating to them

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the ancient Covenant Chain so often renewed at Albany and particularly last summer. Various arguments against their truckling to the French. *Endorsed as preceding.* 4¼ *pp.*

250. IX. Memorial of Robert Livingstone of Albany to Governor Lord Bellomont. The trade here, formerly very considerable, is palpably gone to decay, owing to the French instigation of the far Indians to be in a continual war with our Five Nations, and threatening them that if they should hunt on the other side of the lake they would be destroyed by the French Indians. To remedy this I propose the conclusion of a general peace between the Dowaganhaes, Twichtwichs, Ottawawaes and other far Indians, to be obtained by sending 200 Christian inhabitants born in this country, who understand the woods, joined with 3 or 400 Indians of the Five Nations, taking such prisoners as they have and presents with them, and in their going to make a fort at a place called Wawyachtenok, where a party of Christians are to be left. The far Nations will undoubtedly receive them, notwithstanding the French are there and have a pretended sort of possession by laying a Jesuit and some few men in a small fort (for wherever a Frenchman hath once set his foot, he claims a right and title to the country). A peace once ratified and hatchets buried, when they see the plenty and cheapness of goods at Albany; they will be encouraged to bring all their trade thither, of all which the French deprive us by their frivolous pretence of subduing those Five Nations and converting them to the Christian faith by their priests, when in reality it is nothing but to seize a trade, which our slothfulness and negligence hath given them the occasion of. *April* 12, 1699. *Endorsed as preceding. Copy.* 2½ *pp.*

250. X. Certificate of Lt. Gov. of New York. When I was a Albany, Sept. and Oct., 1698, Mr. Dellius informed me that it was made criminal by some to acknowledge me Lieutenant Governor of New York, but only as the servant of Lord Bellomont. *Signed,* John Nanfan, Dec. 14, 1698. *Copy.* 1 *p. Endorsed as preceding.*

250. XI. Copy of a letter to Father Millet, a Jesuit, mentioning Mr. Dellius, "Dominus Dell, Minister Albanensis, vir honestissimus et nobis amicus," etc. Kebec, May 6, 1690. *Copy.* 1 *p. Latin. Endorsed as preceding.* [*Board of Trade.* New York, 8 A. *Nos.* 21, 21 I.-XI.; *and* 53. *pp.* 342-353; *and* 45. *pp.* 37, 38.]

April 13. Whitehall. **251.** William Popple to Sir Thomas Trevor and Sir John Hawles. The Lords Commissioners for Trade and Plantations have commanded me to desire that they may have either of your opinions upon the Laws of Pennsylvania which I sent you Jan. 7, 1698, with what speed you can, because much time is already elapsed. [*Board of Trade.* Proprieties, 25. *p.* 399.]

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April 13.
Admiralty.

252. J. Burchett to Mr. Popple. The *Mary* galley, a fifth rate, is already sailed towards Newfoundland; the *Hampshire*, a ship of the fourth rate now at the Nore is ready and I believe will proceed in a few days, by which ship the Heads of Enquiry shall be sent, as was the last year. Another ship of the sixth rate, *Deal Castle*, is intended to follow on this service, and it's probable she will not set forward before the middle of May, if so soon, so that if any additional enquiries are to be sent by her, you will please to order their being got ready by that time. The fourth rate goes with the Trade up the streights, the fifth rate with what shall be bound to Lisbon, Oporto, etc., and the sixth rate comes directly for England with the sack ships. *Signed*, J. Burchett. *Endorsed*, Recd. Read April 13, 1699. [*Board of Trade.* Newfoundland, 3. *No.* 134; *and* 25. *p.* 283.]

April 13.

253. Minutes of Council of Barbados. Mr. Secretary Vernon's letter in relation to the Scotch being settled in America was read and ordered to be published immediately by beat of drum and read in all the Churches and afterwards put up in the public places of the four towns in the island. Two proclamations, one to restrain lawyers from demanding exorbitant fees and the other against Regulators and Forestallers, ordered to be published. [*Board of Trade.* Barbados, 65. *p.* 391.]

April 14.
Jamaica.

254. Governor Sir William Beeston to the Council of Trade and Plantations. I have received yours of Feb. 2, with His Majesty's instructions about the Laws of Trade and the Book of Acts relating thereto. I received the same some months since from the Lords Justices, and then put that business into the best method I could and gave an account thereof to the Commissioners of Customs and having heard no more from them hope they are satisfied. I have published a proclamation forbidding any Trade or Correspondency in any kind with the Scotch at Darien, and heartily wish I had leave to send vessels to bring away such of them as are willing to remove, for they begin to want provisions and necessaries, and that will make them start and it will be much better they were here to strengthen this country than to go amongst the French or Dutch where they will be lost to His Majesty or his service. I transmitted several papers by the *Chatham* and have written often for directions about the soldiers in pay, what to do with them, now their subsistence money grows out, but have not yet had the favour to receive any notice about either. There is subsistence but for one muster more, and I hope I have been a good husband to make it last so long. The money in the Commissary's hand would subsist them six months longer if I had order to employ it that way. I have proposed to the Assembly that since their Body of Laws for 21 years grow towards an expiration, that if they will pass the Revenue Bill as it was made in my Lord Duke's time undeterminate, that I will consent to pass their Body of Laws so too, which I think may make a certainty to His Majesty's Revenue and remove all the scruples that have been made about that Bill. This startled them at first and an adverse party in the house were strongly against passing the Revenue perpetual. But the Council has had a conference with them about it and some seem to come over, and

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that they may have time to consider of it, have desired a recess, which I have granted them to the 2nd May, at which time I hope to find them in an inclinable temper to do it. *Signed*, Wm. Beeston. *Endorsed*, Recd. June 29, Read Sept. 5, 1699. By the *Providence*, Captain Shadwell. [*Board of Trade.* Jamaica, 8. *No.* 112; *and* 56. *pp.* 354-356.]

April 14. Whitehall. **255**. Journal of Council of Trade and Plantations. Col. Codrington attending without desired the Secretary to acquaint their Lordships that having understood from Mr. Hutchinson that Mr. Lucas had submitted the differences between them to the determination of this Board he was also ready to do the same.

Letter to Lord Romney *re* Newfoundland signed.

Letters to Mr. Dockwra *re* East New Jersey and Mr. Burchett *re* Newfoundland agreed to.

Mr. Thurston expressing his willingness to transact the business of the Company established at Newfoundland, ordered, that copies of papers relating to its establishment be given to him that he may with Col. Handaside's assistance prepare a memorial of what may be necessary for them. [*Board of Trade.* Journal, 12. *pp.* 1, 2; *and* 96. *No.* 60.]

April 14. **256**. William Popple to Mr. Dockwra. The Council of Trade and Plantations command me to acquaint you that they intend to offer to his Majesty in Council on Tuesday next that a trial be had at the Bar in Westminster Hall upon a feigned issue, whereby the claim of the Proprietors of East New Jersey may receive a judicial determination. [*Board of Trade.* Proprieties, 25. *pp.* 399, 400.]

April 14. Whitehall. **257**. Council of Trade and Plantations to the Earl of Romney, Master General of Ordnance. In accordance with the Orders in Council on our representation of March 30, we desire information from the Office of Ordnance as to the progress being made in providing the materials therein specified. *Signed*, Ph. Meadows, Wm. Blathwayt, Jno. Pollexfen, Abr. Hill. [*Board of Trade.* Newfoundland, 25. *pp.* 287, 288.]

April 14. Whitehall. **258**. William Popple to Mr. Burchett, requesting similar information from the Admiralty. [*Board of Trade.* Newfoundland, 25. *pp.* 288, 289.]

April 14. **259**. J. Burchett to Mr. Popple. Reply to preceding. His Majesty's order dated 6th instant was brought to this office no sooner than yesterday. My Lords of the Admiralty will give the necessary orders to the Commissioners for Victualling to send a quantity of provisions to Newfoundland to serve the soldiers there until the ensuing year, but it is necessary they should be first informed of the number of soldiers, and that as soon as may be, that the opportunity of its being carried by the *Hampshire* may not be lost; by which ship the ten recruits may also be transported, and therefore I must desire you will please to let me know where those ten men now are and at what place and how soon they can be most conveniently taken on board, the ship being now at the Buoy of the Nore. My Lords will likewise give the necessary orders to the

Commander of the Convoy to take care that the seamen be assisting on the works of the fortifications at Newfoundland, as far as the same may be done without prejudice to the sea service, but as for the said Commander's being directed to dispose of the provisions, which he shall find there, at a public sale for the use of the soldiers, their Lordships desire to be first informed in what manner the product of the said provisions is to be applied to the soldiers' use, and how, and to whom and in what method the Commander is to be accountable for the same, it being a thing that has not been usually practised in the Navy, and their Lordships do submit it to the consideration of the Lords of the Council for Trade whether the officer commanding the soldiers at Newfoundland is not the most proper person to dispose of the old provisions. *Signed*, J. Burchett. *Endorsed*, Recd. April 15, read April 17, 1699. 2 *pp.* [*Board of Trade.* Newfoundland, 3. *No.* 135; *and* 25. *pp.* 289, 290.]

April 14. **260.** Sir Thomas Trevor, Attorney General, to the Council of Trade and Plantations. In obedience to your Lordships' order of reference, I have considered the Acts passed in the General Assembly of Barbados, mentioned in the annexed list, and as to the first, "the same being to give authority to the General Assembly there to enquire into grievances and other breaches of the Laws and to punish affronts and contempts done to the said Assembly in such manner as is used in the House of Commons in England," I cannot tell how far it may be convenient or not to entrust such a power with that Assembly, and therefore I submit the consideration thereof to your Lordships' great wisdom. But I see no difficulty in passing the other Acts mentioned in the said list. *Signed*, Tho. Trevor. *Endorsed*, Recd. April 28, Read May 8, 1699. 1 *p.* *Enclosed*,

260. I. List of Acts (referred to above) passed in Barbados Aug. 9th—Sept. 27th, 1698.

(1) An Act to declare and ascertain the rights and powers of the General Assembly of this Island. Aug. 9, '98.

(2) An Act to settle £500 per annum on his Excellency for his habitation. Aug. 16, 1698.

(3) An Act for £2,000 for his Excellency's charges of his voyage, towards the better support for the Government. Sept. 7, 1698.

(4) An Act concerning the General Sessions. Sept. 7, 1698.

(5) An Act for the printing the Laws of the Island of Barbados contained in the ensuing volume. Sept. 7, 1698.

(6) An Act to revive and continue an Act for laying an Imposition on Wines and other strong liquors imported this Island. Sept. 27, 1698.

(*Act* (1) *is marked disapprove, Acts* (3) *and* (5) *approve, and Act* (6) *expired, in the margin, apparently by the Attorney General.*) [*Board of Trade.* Barbados, 7. *Nos.* 86, 86-I.; *and* 44. *pp.* 257, 258.]

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April 14. **261.** Minutes of Council of New York in Assembly. Bills for restraining and punishing privateers and pirates, repealing an Act entitled an Act for regulating damages done in the time of the late disorders, and for regulating Jurors, sent up and read the first time.

Anthony Blunt and Jonathan Bennet committed to the custody of the Serjeant at Arms, being suspected of bringing goods ashore from the *Adventure*.

Thomas Rothburn committed to the custody of the Serjeant at Arms until he find security not to depart this province without leave from the House.

April 15. Samuel Burt gave an account of the sinking of the *Adventure*. He and Capt. Ebenezer Willson, who farmed the excise of the Island Nassau, ordered to give an account thereof.

Anthony Blunt and Jonathan Bennet released on giving security.

Three Bills read yesterday read the second time and committed.

The Indemnifying Bill, returned engrossed, passed. [*Board of Trade.* New York, 72. *pp.* 766-772.]

April 15.
Bermuda. **262.** Governor Day to Council of Trade and Plantations. *Begins as* (*No.* 235). In pursuance of my instructions, I recommend for Councillors Samuel Sherlock, Capt. Benjamin Wainwright, Major Wm. Tucker, Joseph Darrel, John Gilbert, and Benj. Hinson, as loyal and honest men. I convened the Assembly on Oct 31, and I enclose the answer they returned to the several matters I gave them in charge, and the indefinite Acts passed after many sittings, for I find the people here rather inclined to their private interest and to animosities than to a public general good and welfare, being especially instigated thereto by the evil and dangerous counsel and insinuation of several busy, unquiet and dissatisfied persons, who by their being much related and having the faculty of words, do overrule and carry all elections and either encourage or scare at their pleasures, insomuch that when the Representatives assemble together several malicious and libellous papers are foisted in with purpose to direct their proceeds and consultations for gratifying their private humours. The managers of the House are guided by the directions of factious and discontented persons, particularly by Anthony White, Charles Walker, Capt. Thomas Harford and John Dickenson, who live about the heart of the country at a place called the Flatts in Smith's Tribe, where they have their meetings, so that they have a transcendency and influence over the commonalty of the people, whom they manage without respect to the honour and authority of the King. They take upon them to be judges and interpreters of His Majesty's instructions, and represent their Governors, especially at their first coming, either to be arbitrary and illegal or to be made a Nose of Wax and used accordingly. Where they can't scare they will persuade the innocent, misled people from their bounden allegiance. Since my arrival they have even declared in my presence that they will have a Bermudian Governor, otherwise they shall never live easy or well, and that to effect it they have sent to England one thousand pounds, and doubt not but that will do. I hope all this will move your Lordships to disfranchise the transgressing persons. I gave in a memorial to the Assembly about the Regicides' lands

but cannot get any satisfactory account from them, their interests being so linkt together, that they will not make any discovery, nor produce their titles. There are several shares of land here and slaves which of right belong to His Majesty, and I therefore move your Lordships to issue a writ of *melius inquirendo* or other Commission to do His Majesty justice. I recommend as fit persons Gilbert Nelson, John Brook, and Roger Crane, who are livers here, not natives, from whom impartial justice must not be expected in this case. The country is much in debt and their stock low, there being but £244 14*s.* in the Treasury and the public castle, forts and fortifications are much out of repair, and no house for a Governor here built, but cannot persuade the Assembly to pass an Act for raising money for our occasion otherwise than on liquors, and no vessel hath brought in any since my arrival, nor will they set a reasonable value on money; they make such a practice of clipping and diminishing their money that I cannot get such an Act to pass. I send you the several species of money and the weight and how much they abase it. I have taken a particular care for the apprehending Pirates and Sea Robbers and have gotten an Act to pass against them, *etc. as No.* 235. I have appointed a Naval Officer as instructed under a bond of £1,000 with good security for his faithful performance. I have established several Courts of Judicature, and appointed the most knowing and skilful persons I could be informed of judges and officers, but it would be much conducent to His Majesty's service if a person learned in the law were here resident in the station of Chief Justice, the people here being much inclined to law suits, there being at an Assizes lately no less than nine actions against the late governor for matters done in the administration of his government. I send an account of the stores in the castle and forts and of the public lands now enjoyed, as belonging to His Majesty, the governor and other officers in these islands, and also of what slaves ought and by the constitution of these islands have belonged to the respective officers, and to what number they are now reduced, insomuch that I have none for my necessary accommodation, but only aged and impotent slaves and children. What I have occasion for I am forced to hire, as do the rest of the officers, who have none. I have erected a Court of Exchequer to make discovery of public lands and slaves concealed. I send you the number of inhabitants here and a copy of the return of the *dedimus potestatem* by which I took the oaths of Government, etc. In order to enable Col. Goddard and Mr. Richier to settle their affairs and embark on the *Sun* prize for England (*No.* 235). I appointed several meetings with them together. After they had interchangeably entered into bonds each to the other in 2,000*l.*, Col. Goddard restored to Mr. Richier several goods and things in specie or value heretofore taken from him. Mr. Richier said he had no other demands to make of Col. Goddard here. I have offered them commissions for examining witnesses on the differences between them and particularly to Mr. Richier I have granted upon his request my warrant, Feb. 13, for taking his evidences in the country and another, March 23, for bringing them to town and taking their examination before me. He

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brought them to town but utterly refused to have them examined by me. There is here one castle and five forts which might be of great use for the defence of these islands, if we had here an engineer or skilful gunner. In case of any foreign invasion these islands would be much exposed, for although they are much environed by Nature, yet many strangers by frequent coming have gained the knowledge of our channels. They bring in their vessels by day and night without pilots. A competent number of experienced soldiers fit to mount and relieve the castle and forts would conduce to their safety. *Signed*, Sam. Day. *Endorsed*, Brought by Mr. Robt. Halsted, who lodges at the Crown and Dial, a goldsmith's in Fleet Street. 4 *closely written pp., with abstract of foregoing on p.* 5. *Enclosed*,

262. I. *Duplicate of above, dated* May 2. *Endorsed*, Recd. June 10-14, Read July 3, 1699.

262. II. Return of the *dedimus potestatem* by which Mr. Day took the oaths (powers given to Samuel Trott, Nicholas Trott, Matthew Newman and Roger Crane). 4 *strips*.

262. III. Copy of preceding. *Endorsed*, Recd. June 10, 1699.

262. IV. Account of the inhabitants of the Bermuda Islands. (Jan. 1, 1699.) *Endorsed*, as above.

White.	Men.	Women.	Children.	Able to bear Arms.	Christened Jan. '98—Jan. '99.	Buried.
1 St. George's Parish	190	239	851	180	34	27
2 Hamilton Tribe	70	78	173	65	7	27
3 Smith's Tribe	67	89	140	65	8	2
4 Devon Tribe	56	92	145	56	8	4
5 Pembroke Tribe	87	135	177	75	22	5
6 Pagitt's Tribe	78	96	149	73	12	3
7 Warwick Tribe	93	87	246	91	9	1
8 Southton Tribe	101	115	216	97	19	3
9 Somerset or Sandy's Tribe	61	119	165	62	13	2
Totals	803	1050	1762	724	132	47
Black.						
1 St. George's Parish	87	102	155	82	—	12
2 Hamilton Tribe	52	72	129	52	—	1
3 Smith's Tribe	62	75	114	60	—	4
4 Devon Tribe	54	68	99	54	—	2
5 Pembroke Tribe	63	74	85	57	—	9
6 Pagitt's Tribe	76	73	86	57	—	1
7 Warwick Tribe	41	54	123	38	—	5
8 Southton Tribe	64	73	144	62	—	3
9 Somerset or Sandy's Tribe	67	58	97	67	—	4
Totals	566	649	1032	529	—	41

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262. v. Copies of several proceedings in the Court of Chancery of Bermudas; Martha Johnstown and Thomas Outerbridge, complainants, and William Place, defendant. 16 *large closely written pp. Endorsed,* as above.

262. vi. Answer of the Assembly to matters given them in charge by Mr. Day. (1) The proposed duty of one penny per pound on all tobacco exported has never been practicable here and is repugnant to the interest of the Planters and the Island. We propose, instead, to defray the expenses of Government by a better and more facile way, an imposition on liquors imported. (2) The prison and fortifications shall be considered and repaired according to former custom. (3) As we have no Christian servants transported hither we have no need for a law to restrain inhuman severities towards them. (4) We have long endeavoured to convert our negroes and slaves to Christianity, but find that the better they are instructed in religion, the farther they are from conversion thereto. (5) We have more employment than we can get done on good payment, and therefore have no need of raising stocks nor building workhouses to employ the poor. (6) We intend to offer a bill for the restraint of pirates at a convenient time. *Copy.* John Kidgell, Clerk of the Assembly. 3 *pp. Endorsed,* as above.

262. vii. Account of Stores and Arms in the Castle, Southampton Fort, Queen's Fort, West Side Fort, Port Royal Fort, the Magazine in St. George's and Smith's Fort. 4 *pp. Endorsed, as above.*

262. viii. An Account of the Public Lands and Slaves held by the Governor and officers, 3 *pp. Endorsed, as above.* [*Board of Trade.* Bermuda, 3. *Nos.* 33, 33 i.-viii.; *and* 29. *pp.* 138-148; *and* 39. *pp.* 6, 7.]

April 15. **263.** Victuallers of the Navy to the Treasury. As soon as it shall be ascertained what the number of the men is, including the ten men now to be sent, and that we receive orders for the lading provisions for them, it shall be effected and then we shall make an account of the cost of such provisions and apply for money for the same. We did formerly send malt and mills to grind it and coppers for brewing of beer, which we hope remain there and so there will no need beer to be sent, but malt and hops proportionable to the number of men. It will also be necessary that when we receive orders for victualling these men, it may be inserted in the order whether they shall be victualled at whole allowance for the year or at short allowance, which is what hath usually been allowed to soldiers, and for the ten men that are to be sent what allowance of victuals shall be made them for their passage to Newfoundland at whole or short allowance. *Endorsed,* Recd. Read, Ap. 28, 1699. [*Board of Trade.* Newfoundland, 3. *No.* 136; *and* 25. *p.* 300.]

April 15. **264.** Extract of a letter from M. de Pontchartrain to M. le Comte de Tallard. Messieurs D'Amblimont and Robert write

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that the English Commissioners have handed over to them the French part of St. Christopher's according to the treaty of Ryswick, but have refused to give up the houses occupied by the French before the war in the English part or to enter into any negotiation touching this question. They assert that they have exhausted their powers. It is timely to ask for powers to be given to Mr. Codrington to renew with M. D'Amblimont the treaties made in 1655 and 1671 between the Governors of St. Christopher's to establish communication between the two nations. Messieurs D'Amblimont and Robert also write that they found all the houses and shops ruined and demolished, wells spoiled and filled, reservoirs burst, sugar canes eaten by cattle or burnt, all within six or seven months, and that they have been informed that the Governors gave the French houses to individuals on condition that they destroyed them and carried off the *débris*. The damage done to the houses alone is estimated at 135,000 *livres*. They demand the execution of the treaties and that instructions should be given to M. de Codrington to compel the individuals who have done this shameful damage or who have made a profit out of it to indemnify the French proprietors or at least to replace at their own expense the materials they have removed. *Endorsed*, Brought to the Board by the Earl of Jersey and Read May 24, 1699. *French*. 2 *pp*. [*Board of Trade*. Leeward Islands, 6. *No*. 13; *and* 45. *pp*. 363, 364.]

April 15. **265**. Minutes of Council of Virginia. Only three members of the Council being in town the General Court was adjourned till the 17th. Several petitions being preferred for grants of deserted lands and the petitioners producing negro rights to take them up, a rule was made, according to the royal instructions, that no land be granted to any others than H.M. Christian subjects coming to reside here.

April 17. Mr. Benjamin Harrison excused his absence on the 15th on the grounds of illness. The Attorney General presented an oath to be taken by members of the Council as judges of the General Court, and the Council disliking the distinction it seemed to draw in the proceedings of the General Court between the Common Law and Chancery, another oath was agreed upon for the meantime requiring them generally to do justice. Further settlement of the question referred to the General Assembly. A new Commission of the Peace ordered for Kent County, Capt. Thomas Bray, John Lewis, Nicholas Morriweather and George Keeling being added to the list. Capt. John Aldred of H.M.S. *Essex* prize, allowed 10 barrels of powder from the gunner at James City, to be repaid out of his supply from England if it arrives before he sails or, if it does not, a certificate to the Ordnance Office to be given by him. Proclamation ordered (*signed* April 18th) that no Navigation Bond shall be put in suit within eighteen months next coming, and requiring all who have such

April 18. bonds to provide certificates as required by the Acts of Trade and Navigation for the discharge thereof. Richard Johnson was sworn of the Council. In accordance with the directions of the Lords Justices concerning Capt. Kidd of the *Adventure* galley, an order

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for his apprehension was sent to the sheriffs of the several counties to be communicated by them to the Commanders in Chief, Collectors and Naval Officers. Warrant ordered according to the Lords Justices' warrant of Nov. 15, 1698, allowing Col. Byrd, H.M. Auditor General, 2,955*l.* 9*s.* 3½*d.* out of the quit-rents for expenses defrayed by him. Capt. Aldred complaining of his seamen deserting, a proclamation was ordered for their apprehension. All Collectors and Naval Officers required to warn all masters of ships not to receive any strange seamen without certificates. Capt. Aldred allowed a pilot, he providing for the payment thereof. Ordnance and gunners' stores saved from H.M.S. *Swift* ordered to be kept and sent home by the first man-of-war as requested by the Commissioners of Ordnance. Petition of Bertram Servants complaining of a forcible entry into some of his land in Elizabeth City County by Robert Beverley referred to the Attorney General. Ordered that the Auditor prepare a statement of the Public Accounts. Richard Lee was sworn of the Council. [*Board of Trade.* Virginia, 53. *pp.* 229-237.]

April 17. **266.** Hudson's Bay Company to the Lords Commissioners. Answer to the French pretentions to Fort Bourbon. We deny the French to be the first discoverers and settlers of that place. The French bringing their pretended right no higher than 1682, and their being dispossessed in 1684 we shall show what sort of possession that was. Mr. Radisson, said to have made this settlement for the French at Port Nelson, 1682, was many years before in England, settled and married an English wife, Sir John Kerk's daughter, was in the interest and service of the English upon private adventures before as well as after the incorporation of the Hudson Bay Company. In 1667 when Prince Rupert and other nobles set out two ships, Radisson went in the *Eagle*, Capt. Stannard commander, and in that voyage the name of Rupert's River was given. Again 1668, and again 1669, in this voyage Radisson directed his course to Port Nelson and cast anchor before it, and went on shore with one Baley, designed Governor for the English, fixed the King of England's arms there and left some goods for trading. In 1671 three ships were set out from London by the Hudson Bay Company then incorporated, and Mr. Radisson in one of them in the Company's service settled Moose River, went to Port Nelson, left some goods there and wintered at Rupert's River. In 1673, upon some difference with the Hudson Bay Company Mr. Radisson returned into France, and is there persuaded to go to Canada again. There he formed several designs of going on some French private expeditions into Hudson Bay, which the Governor, M. Frontenac, would by no means permit as declaring it would break the union between the two kings. But at last Radisson was secretly set out with two ships by one La Chaney (a private merchant of Canada) and other private persons without the Governor's knowledge or orders from any powers, and in Aug. 1682 arrived at a river to them unknown but being in the latitude of Port Nelson resolved to go in, found an English ship there, whose company were building an house, saw another ship coming in belonging to the Hudson Bay Company, of London, which had brought a

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Governor to settle a factory in that port. Radisson and the French with him took the English ship, the Company's Governor and men, and carried them to Canada, where he found M. La Barr, Governor in the room of M. de F[r]ontenac, who ordered him forthwith to release the English ship, and La Chaney to give satisfaction to the English for some goods disposed of by Radisson, but was never performed. This was the expedition in 1682 and the first time that ever French men or French vessels sailed into Hudson Bay. They were dispossessed of this unjust acquisition two years after. For complaint being immediately made by the Company, Radisson, as soon as he returned into France in 1683, found the effects of it by the many memorials given in against him at the French Court by the several public ministers of the King of England. The action was disowned by his most Christian Majesty and satisfaction promised which was directed by a great minister in France in this manner, that Radisson should go for London and ship himself on board the Company's ships to go to Port Nelson and withdraw the French whom he had left there, restore the effects to the English, and the Court of France nor Canada should ever pretend any right to the Bay of Hudson. Accordingly Radisson came to London, presented himself to King Charles and the Duke of York, then Governor of the Company, by their recommendation is reconciled to the Company, and goes with only two ships in the Company's service, Capt. Bond and Capt. Outlaw, commanders, arrived at Port Nelson, where the Sieur Chavert, whom Radisson had left there, and the rest of the men came over to him and complied with the justice to be done to the English, who afterward took service in the Hudson Bay Company, and brought into England and restored to the Company about 12,000 beavor skins and other furs (short of 60,000 beavors as the French suggest), the greatest part of which were traded with English goods taken from them in the expedition before. This we conceive is a full answer to the French paper. Whereas they talk of injuries and dispossessing in a time of peace, they were the first aggressors, and begun a private and piratical war. [*America and West Indies.* Hudson's Bay, 539. *No.* 8. *pp.* 13-16.]

April 17. New York. **267.** Governor the Earl of Bellomont to the Council of Trade and Plantations. Knowing how much value you set upon furnishing naval stores from these Colonies, I have been thoughtful about that matter of late and the more so because I do not find that design is carried on with that vigour in New Hampshire that I could wish. I will suppose the purveyors honest, but find the charge will be so extravagant that I question whether it will not be a total discouragement to the prosecution of that design. Having overcome in great measure the trouble and opposition of the unruly people here by patience and moderation, I hope to be at liberty shortly to transport myself to Boston and very quickly after to New Hampshire and to give you a faithful account of that and other affairs relating to my other Governments.

I sent for M. Bernon, a French marchand, and an honest, sincere man, whom I was acquainted with in England, he being extremely well recommended to me by my Lord Gallway and several other

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French gentlemen, and having lived some years at Boston, and there made a good quantity of pitch, tar, rozen and turpentine. He says the King can best be supplied with these stores from this province, because there grows an infinite number of pines in Long, *alias* Nassau, Island, and on both sides of Hudson's River, and between Albany and Schenectady, and there will be a water carriage which will mightily conduce to their cheapness. Then I would have the soldiers employed to work at making them at full English pay, which is 8*d.* per day, and an addition of 4*d.* per day to encourage them ; = 1*s.* per day, under which it will be impossible to keep 'em in tolerable cloathes and diet, and if they be not enabled to live more comfortably than at present they will always be deserting as they do now. The work is not laborious, all that they have to do is to tap the trees and then receive the liquor in vessels. M. Bernon says that a man that works with intelligence will make five tons of stores in a year, making pitch, rozen, and turpentine all summer and in winter tar only. 'Tis easy then to compute what the charge will be to the King. The soldiers' pay, ordinary and extraordinary, will be 7*s.* per week (which would be to other labourers 18*s.*, if they could be had which is not possible here). At the rate of five ton *per annum*, the charge of making will come to £3 12*s.* 10*d.* I allow for casks, at 2*s.* 6*d.* per barrel, £1 per ton. For freight to New York and management, £1 5*s.* 0*d.* Freight to England 40*s.* per ton. All which articles amount to £7 17*s.* 10*d.* per ton sterling money, if you have the stores from hence ; from N. Hampshire it will cost just thrice as much, unless the King will keep soldiers there to work, which will not be proper, because there are not provisions to be had there for 'em, and because they would be out of the center, and consequently not properly placed for a security to the provinces. If our computations are just, and if one man will make 5 tons per annum, the thing I most doubt, then we shall be able to furnish the King with naval stores quarter part cheaper than he has 'em now from the northern Crowns. From the London paper called the Marchand's Weekly Remembrancer, I find the price of Stockholm pitch is £16 per last, a last is a ton and a half. I will not get a shilling by all this myself ; the charge for management only represents £200 per annum, New York money, to M. Bernon and 2*s.* 6*d.* per day to each lieutenant, a lieutenant to each 100 soldiers to keep 'em at their work. You will doubt perhaps the cheapness of freight to England, the present rate being from £4 to £6 per ton. But I oblige myself to make it good, if some owners and masters I have talked with here know their own minds. I have known two or three ships wait five months in this port for a freight, and at last go for England half and sometimes three-quarters laden, and they rarely wait less than three months for their lading, which is the reason of dearness of freight of goods. Whereas if I be commanded by your Lordships to proceed with this undertaking, I will always have a sufficient stock of these stores in readiness here at York, that every ship shall have her lading in three or four days' time. Quickness of returns will bring down the price of freight to what I have said, and the whole management shall be carried on without trifling or tricks. We can make up the loadings with principal knee timber for the king's ships, which I understand is pretty scarce

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in England and fells for £6 or £7 per ton. If you approve of this scheme, be pleased to inform me from the Custom House what quantity of these stores is imported yearly into England. M. Bernon guessed the King's Navy would consume 1,000 tons and the nation of England 6,000 tons.

I understand there are as good pines for masts of ships, on the land—full as big as Devonshire—granted to Mr. Dellius by Col. Fletcher, as any in N. Hampshire, and a great number. They may be floated on the river all the way to York with little charge. In that grant there is no reservation of quit-rent to the Crown, except one racoon's skin per annum, nor the liberty of cutting a tree or building a fort, yet there is the best place for a fort in all this province ;—on the side of the long lake called Corlaer's Lake, or Iroquois, because that land is the most advanced towards Canada. Mr. Dellius has lately had 90 masts for ships floated down to within a few miles of York on Hudson's River and proposes great profit to himself, but I hope, before this Assembly is broke up, I shall secure that and his other grant which the Mohacks complained of. I am told the timber which grows in that part of the country is firmer and more substantial than that which grows in N. Hampshire, and the reason that's assigned for it is the winter's being much more cold in N. Hampshire than in this province, and 'tis observed, the more to the southwards of this continent, the better is the timber.

I shall hereafter recommend that some sort of order and established rules may be settled for the distribution of those remote lands among the officers and soldiers, each to have such a proportion of land after so many years' service, reserving on each lot a quit-rent to the Crown and making them unalienable to any besides the King, otherwise the soldiers will soon embezzle the lands assigned 'em. If this course had been taken twenty years ago, the frontier towards Canada had by this time been so well peopled that they would be able to make a stand against the French and their Indians.

If your Lordships send me orders before winter I believe I would provide stores enough for the King's Navy if I had the four Companies recruited, but then how would England be furnished, as it should be from hence, so that that trade might not be precarious, as it must be if our nation must be beholding to the Northern Crowns for it? I propose a plan answering the two greatest ends that can be thought of, viz : the defence of this and all the rest of the Colonies and the furnishing his Majesty and the Nation of England with Naval stores. I propose the immediate sending over and constant keeping of 1,000 men in the King's pay in this province to manufacture the stores. Their pay will be no charge to the King, as I have shown. There are not 100 labouring men possibly to be had in this province at 3*s*. per day. Their labour is performed mostly by negroes, and the others have trades or keep sloops by which they can earn much more. As to the necessity of keeping 1,000 soldiers constantly in pay in this province, there is the example of the French, who to secure Canada, which is a small spot of country in comparison with all H.M. Colonies on this Continent, keep thirty companies or 1,500 men constantly in pay. Then they are said to have as many Indians at command as we, and of the warlike Indians which they have debauched from us. The French, too, have some substantial forts and several small ones. Between Montreal and Quebec, which is 60 leagues, they are said to have 8 or 9, and though they be small they favour extremely the peopling of that country; and I conceive that to be the chief end of the building those forts, for a desert country as all America is, being covered with thick high woods, is frightful to people unless there be forts to protect 'em. There ought, in my opinion, to be a good fort of stone at the extreme end of the land granted to Mr. Dellius, which your Lordships will judge best of by looking at the map formerly sent by Lieut. Hunt; and another such fort in the Onondages' country, which is the centre of our Five Nations. I am told there is a very convenient place for it upon the same river which runs through the Mohacks' country and comes to Schenectade, and 'tis the more convenient because it lies opposite to the French Fort called Cadaracque, which I formerly acquainted your Lordships was such a terror to the Indians. A fort there would cover all our Indians and keep them firm to us. The remoteness of it is the worst circumstance that attends it: still the French have a fort in the Dowaganhas country, one of the Western Nations, that cannot be less distant from Canada than 700 miles, built there by M. de Tonti. 'Tis an easy matter to discern what the French have in view; when our Five Nations are destroyed, which they must necessarily be in a few years, if we must have our hands tied up, and submit to their sinister artifices, then will they engage those numerous Western Nations against us, with whom they are now making an interest by their Jesuits and other missionaries and by training and emboldening them to fight. Formerly 100 of our Indians would have made 1,000 of 'em run, and now 'tis the French have taught 'em to fear ours so little as that they will venture to fight 'em upon the square. The French are now fortifying Quebec, an engineer being lately sent thither from France, yet I hear that place was strong before. Without doubt the French King sets a great value upon Canada, and takes such measures as will quickly extend his dominions here further than is consistent with the interest of England. I will give one or two more reasons for augmenting our forces here. This province by its situation in the centre of the other Colonies challenges a preference to all the rest and ought to be looked on as the Capital Province or the Citadel to all the others, for [*secure*] but this and you secure all the English Colonies, not only against the French, but also against any insurrections or rebellions against the Crown of England, [*if*] any such should happen, which God forbid. 1,000 men regular troops here and a fourth-rate man-of-war at Boston and a fifth-rate here at N. York would secure all the English Plantations on this Continent firm in their allegiance to the Crown as long as the world lasts. And I am of opinion whenever another [*war*] happens with France the French might easily be driven out of Canada. If this design of the Naval Stores goes on, 'twill employ double the number of ships that it now does from England to Norway, because of the distance, and so long as the commodities are as cheap or cheaper than now they are, 'twill be for the advantage of England that there be more ships employed. There will be one objection. M. Bernon computes 7,000 tons will be needed and 1,000 men can make but 5,000. But to make the full complement of stores, I answer that the people in the country who are unfit for hard labour will without doubt in a short time learn the way to earn their bread at this easy work and, if I may believe M. Bernon, the women and children of ten years old and upwards will be able to make good earnings at it. But rather than require more soldiers from England (for I confess I grudge with our parting with people out of England) I should advise the sending for negroes to Guinea, which I understand are bought there and brought hither all charges borne for £10 a piece New York money, and I can clothe and feed 'em very comfortably for 9*d.* a day sterling money. If it were practicable for the King to be the merchant and pleasing to the nation, there would be a profit of at least 50 *per cent.* made of the goods sent over hither and to the other Plantations for defraying the charge of making and providing the stores, for I propose that English goods, especially woollen cloaths shall maintain this undertaking. At that rate we should still undersell the present market at Boston at least 20 and that of this town above 40 *per cent.*

I can think of no further charge that will attend the provision of stores here at New York except the building a good storehouse, which may be done for about £1,000 this money. There will also be required a Clerk of the Stores for whom I propose a salary of £100 per annum this money (= £70 English) and the Clerk's Assistant at £80 (= £56). Then there would be about a dozen men constantly employed in laying in and delivering the stores, which work I could have performed by soldiers with a small addition of pay. Two things are necessary for this great and useful design, first, the vacating all the extravagant grants of land, which are eleven or twelve in number, all except two or three granted by Col. Fletcher, comprehending full ¾ parts of this Province, which was the most destructive course he could possibly have taken for the interest of the Crown and peopling the Province. Besides he has singled out a worthless sort of people for his grantees and generally so disaffected to His Majesty that I wish I could except four of the twelve that are not so. Second, the giving the King a liberty by Act of Parliament in England or of Assembly here of using pines or other sorts of trees for making all the forementioned sorts of stores on the estates of all persons in this province without exception, and reserving to him alone the use of all such trees as are fit for masts of ships and of all such oaks and other timber whether straight or crooked as will be proper to be used for building H.M. ships of war.

I much question whether I shall be able to get an Act passed in this Assembly to break all the forementioned extravagant grants of land. The parties concerned are jealous of my design and are endeavouring to prepossess the Members of Assembly with a thousand apprehensions about it, but as the grantees are men that are generally much hated, I hope I may prevail to get a Bill passed for the breaking part of the grants this session, and will try to break the rest next, and will nicely observe all the rules and conditions contained in the Lords Justices' letter of Nov. 10. By my proposal

I do not mean that the present or future proprietors of lands should be restrained from cutting timber for their own use, and even for sale, but that all trees above such a scantling as shall be hereafter agreed on shall be reserved to the King under a severe penalty. *Signed*, Bellomont. *P.S.*—4th May, 1699. I send a letter newly received from Mr. Bridger, one of the Purveyors of Naval stores at Piscataqua, that you may observe this good design goes on heavily there. *Endorsed*, Recd. Aug. 31, Read Sept. 7, Dec. 8, 1699. 8 *closely written pages. Holograph. Enclosed,*

267. I. Abstract of preceding letter. 3¼ *pp.*

267. II. J. Bridger and Tho. Holland to Lord Bellomont. I procured an Act of Assembly at Boston in June last for a guard to attend our affairs, but of the guard of twelve men allowed us we now have five only, of which four have no ammunition, the fifth neither gun nor ammunition, and all want provisions. *Signed*, J. Bridger, Tho. Holland. Piscataqua, Ap. 21, 1699. *Copy. Endorsed as preceding.* 1 *p.* [*Board of Trade.* New York, 8 A. *Nos.* 22, 22 I.-II.; *and* 53. *pp.* 354-369; *and* (*abstract*) 45. *pp.* 38-42.]

April 17. Whitehall. **268.** Journal of Council of Trade and Plantations. Letter from Mr. Burchet *re* Newfoundland read. Answer prepared. Col. Handaside recommended the hardships of soldiers in Newfoundland with regard to arrears. Letter upon that subject to Lord Ranelagh ordered. Answer prepared to Mr. Secretary Vernon's letter about Turkey Passes, and to Mr. Grey's proposal that two ships attend H.M. service at Barbadoes.

April 18. Letter to Lord Ranelagh signed and that to Mr. Burchet agreed upon.

Letter to the Government of Connecticut in pursuance of H.M. Order in Council ordered to be written when John and Nicolas Hallam produce the Order.

Representations upon Col. Codrington's Commission and the petition of the Proprietors of East New Jersey signed.

Letter to Mr. Secretary Vernon signed.

The Secretary ordered to acquaint Mr. Lowndes that Mr. Thurston has been recommended for the Newfoundland business.

April 19. Mr. Edward Chilton's petition read and referred for further consideration.

The Order of Council *re* John and Nicolas Hallam read and letter ordered accordingly.

Mr. Dockwra's objection to the representation *re* East New Jersey read. The Secretary ordered to acquaint him that it was already finished, but that the words "*upon which their said claim is grounded*" have been omitted. [*Board of Trade.* Journal, 12. *pp.* 3-7; *and* 96. *Nos.* 61, 62, 63.]

April 17. **269.** Minutes of Council of New York in Assembly. Samuel Burt and Captain Ebenezer Willson refused to give an account of the excise of Long Island, and were committed to the custody of the Serjeant-at-Arms. A Bill was ordered for committing them to prison until they should discover what had been required of them.

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April 18 and 19. This Bill was read the first and second time.

Bills for regulating Jurors, repealing an Act regulating damages, and for punishing privateers read the third time and passed. The Committee demanded a longer time to consider the Bill for the establishment of Courts.

April 20. Petition of inhabitants of Queen Street and others read and referred to the Assembly.

April 21. Bill for committing Burt and Willson passed and sent down. Their petition put off till next Council day, as the House was now

April 22. sitting in the quality of the Upper House of Assembly. The Bill was assented to by H.E., being returned passed from the Assembly. Burt and Willson appeared, gave the account desired, and were discharged.

Bills for preventing abuses daily committed by negro slaves and Indians; for regulating an Act of Assembly intituled an Act for suppressing Intestates' estates and regulating the probate of wills, and granting letters of administration; and for preventing vexatious suits sent up and read the first time. [*Board of Trade.* New York, 72. *pp.* 772-780.]

April 18. **270.** John and Nicolas Hallam to Council of Trade and Plantations. We beg you to signify to the Governor and Company of Connecticut the Order in Council upon your report in our case. Nicolas Hallam is bound to New England within three or four days and will safely deliver your letter. *Signed*, John Hallam, Nicolas Hallam. *Endorsed*, Recd. Read, April 18, 1699. [*Board of Trade.* Proprieties, 9. *No.* 6.]

April 18.
Whitehall. **271.** Council of Trade and Plantations to the King. We present herewith the draft of a commission for Governor Codrington and in accordance with the advice of your Majesty's Attorney and Solicitor General have omitted the words "insurrection" and "as also upon soldiers in pay" which occur in former commissions.

We suggest that instructions be sent to the several Governors in whose commissions these words do stand, that they do forbear to put the same in execution, which in time of peace may be supplied by the Legislative power in the General Assemblies of the several Plantations. *Signed*, J. Bridgewater, Ph. Meadows, Wm. Blathwayt, Jo. Pollexfen, Abr. Hill. [*Board of Trade.* Leeward Islands, 45. *pp.* 353, 354.]

April 18. **272.** Council of Trade and Plantations to the King. We have considered the petition of the Proprietors of East-New-Jersey with what they have further offered to us upon the subject and finding no reason to alter our former opinion represented to their Excellencies the Lords Justices Oct. 27, 1697, that the granting them the privilege of a Port at Perth Amboy would be extremely prejudicial to your Majesty's Province of New York, but observing that in the close of their petition they pray that in case your Majesty should not permit them the free use of that port upon the terms by them proposed, your Majesty would be pleased, for their vindication against the clamours of the inhabitants of East New Jersey upon this occasion, to direct your Attorney

General to consent to a trial at Bar in Westminster Hall upon a feigned issue, we offer that such a trial be had, whereby the Proprietors' claim to the Port together with the right of Government of the Province, upon which the same is grounded, may receive a judicial determination. *Signed*, J. Bridgewater, Philip Meadow(s), Wm. Blathwayt, John Pollexfen, Abr. Hill. [*Board of Trade.* Proprieties, 25. *pp.* 400, 401.]

April 18. Whitehall. **273.** William Popple to John Burchett. In reply to yours of the 14th, the company of soldiers left at Newfoundland amounted to 61 men. The ten recruits are not yet ready but will be ready to go by the last convoy mentioned in your letter of the 13th by which it will be time enough to send the provisions. The reason of my Lords' proposal that the provisions remaining there may be sold and accounted for by the Commander in Chief of the convoys is that there is no officer established upon the place higher than a lieutenant, and because the Commander was last year appointed by H.M. commission to command also in chief and inspect all things during his stay there at land. On learning who is intended for Commodore this year my Lords will desire Mr. Secretary Vernon to procure H.M. like commission. By accounting for the produce of those provisions and applying it to the use of the soldiers, is meant no more than accounting for it to the Lords of the Treasury that they may apply it accordingly to the account of the proper funds. *Signed*, J. Burchett. *Endorsed*, Recd. Read April 21, 1699. [*Board of Trade.* Newfoundland, 3. *No.* 137; *and* 25. *pp.* 291, 292.]

April 18. Whitehall. **274.** Wm. Popple to William Lownds. In accordance with H.M. Order in Council, April 6, the Lords Commissioners for Trade and Plantations, judging it necessary that some person be appointed to take care of the business relating to the Company established at Newfoundland as Agent, and Col. Handaside who formed that Company having recommended Mr. John Thurston, acquaint you therewith, that upon giving the usual security, Mr. Thurston may be employed by the Rt. Hon. the Lords Commissioners of the Treasury, in order to the necessary dispatches, if their Lordships think fit. [*Board of Trade.* Newfoundland, 25. *pp.* 292, 293.]

April 18. Whitehall. **275.** Council of Trade and Plantations to Mr. Secretary Vernon. We agree with Mr. Grey, and have often represented to His Majesty, that heavy sailers are most unfit for those parts. And as to the two ships desired by him to be constantly attending there, we have already offered to His Majesty our opinion that one good fifth rate be appointed for that service to be annually relieved by another, which has accordingly been ordered, and do now believe that if another of 25 guns be likewise sent to make up the number desired, it will at this time, in respect of the many pirates frequenting those parts, be of great service to trade. *Signed*, Phil. Meadows, Wm. Blathwayt, Jno. Pollexfen, Abr. Hill. [*Board of Trade.* Barbados, 14. *p.* 249.]

April 18. Whitehall. **276.** Council of Trade and Plantations to the Earl of Ranelagh, Paymaster General. We desire to know the state and reasonableness of the claims, made by the officers and soldiers now at Newfoundland, of their arrears since the disbanding of the regiment. *Signed*, Ph. Meadows, Wm. Blathwayt, Jno. Pollexfen, Abr. Hill. [*Board of Trade.* Newfoundland, 25. *p.* 293.]

April 18. **277.** Minutes of Council of Barbados. Ordered that the writ of error betwixt Baily and Baily be argued peremptorily next Council day. Mr. Agnew was called and asked if he would undertake the building of the mole upon the same proposals Mr. Popple will. He declined. Leave was given to Capt. Collin Hunter, commander of H.M.S. *Dolphin*, to land some wines for the easier careening his ship; the Assembly concurring with the proviso that the wines when landed should be put under the care of the Treasurer who is to see that they are reshipped. Mr. Lane's papers read and laid by till James Hannay, Esq., gives in his answer next Council day. The Assembly agreed to his Excellency's proposal that the Keeper of the Magazine should deliver 20 barrels of powder to Capt. Barker, Commander of H.M.S. *Speedwell*, for His Majesty's service, to be repaid when the store-ship arrives.

April 19. Upon a motion that several negroes were run away with, a proclamation was ordered to enforce the laws about the watch. [*Board of Trade.* Barbados, 65. *pp.* 391-393.]

April 18. **278.** Journal of Assembly of Barbados. New names:—Lt. Col. Richard Downes, William Terrill, Robert Harrison. The Supplemental Act for the Provision of Servants was read twice. The Assembly waited on his Excellency and Council who recommended to them the matter of powder for H.M.S. *Speedwell* (*see preceding abstract*), the question of donations for the use of a free school, the proposals of Magnus Popple and a joint-committee of the two Houses to consider them, a speedy statement of the Public Accounts and Revenues, the payment by some means of the old Agents' salaries. The Assembly then returned and rejected the petition of Alexander Forrester that he might be paid a yearly rent for his house which had for many years past been used as a common gaol. [*Board of Trade.* Barbados, 65. *pp.* 405-407.]

April 19. **279.** Proprietors of East New Jersey to Council of Trade and Plantations. The proposal to have a trial at bar of their claim to a port was intended by the Proprietors only as a last resort to justify themselves against the clamours of the inhabitants. Their principal desire is to avoid all controversy with His Majesty and to remove the objection made by New York, and therefore they pray you to lay before His Majesty their memorials upon this occasion. They made no offer to try their Right of Government in such feigned issue and are advised their right to a port doth not depend upon their right of Government, and the Law having prescribed a proper method of trying the right to Royal Franchises claimed by subjects, the Proprietors conceive they cannot without injustice to themselves and the inhabitants of that country submit their right of Government to be part of such an issue. Nor can the omission of it be any prejudice to His Majesty, since if the right of a Port should depend upon the right of Government, His Majesty will have the benefit of that point in evidence at the trial, as much as if it were part of the issue itself. *Signed* (on behalf of the Proprietors), Wm. Dockwra, Secr. and Regr. *Endorsed*, Recd. Read Ap. 19, 1699. [*Board of Trade.* Proprieties, 3. *No.* 7; *and* 25. *pp.* 401, 402.]

April 19. **280.** Minutes of Council of New York. Memorials of Ducie Hungerford and John Evetts read and referred for consideration.

6*l*. paid to John Merrey for intercepting a letter from Broadish, the Pirate, to Col. Peirson.

April 22. The ship *Hester* having been sold to Col. Abraham Depeyster for 315*l*., the balance, after deducting expenses for seizing and condemning her, ordered to be paid to the Master, Richard Wyse, for wages due to him and the crew before seizure. [*Board of Trade.* New York, 72. *pp.* 221-223.]

April 20.
Kensington.
281. Order of King in Council, approving the draft of the Commission for Col. Christopher Codrington with the exception of the proposed alteration. The new Commission, like former Commissions to the Governors of the Leeward Carribbee Islands, is to contain the words, "To execute martial law in time of invasion, insurrection or war, as also upon soldiers in pay." *Signed*, John Povey. *Endorsed*, Recd. April 26, Read April 27, 1699. [*Board of Trade.* Leeward Islands, 6. *No.* 14; *and* 45. *pp.* 355, 356.]

April 20.
St. Christopher's.
282. Council of St. Christopher's to Council of Trade and Plantations. The Lieutenant Governer, Col. James Norton, has communicated to us your letter of Feb. 27, requiring an account of some spoils the French Ambassador pretends to have been done by His Majesty's subjects upon the territories of the French after having notice of the conclusion of the peace. Col. Norton himself was absent at that time. The pretentions of the French are very untrue. Some part of a ruinous town which the French themselves had set on fire, when His Majesty's forces, that reduced this island, were marching into it, and which, being deserted by them, was extinguished by the said forces after the major part thereof was burnt, and so saved from being quite laid in ashes, several of which houses that were preserved from that fire decayed and went to ruin during the time of a long war and served for nothing but fuel, and some other houses near their church where our Court of Guard was posted were pulled down after the French privateers had surprised the said ruinous town and that Guard, since they were a covert for their approaches and to prevent a second attempt of the same kind. Before any certain knowledge of peace the small remnant thereof was pulled down by the inhabitants according to an order from the late General Christopher Codrington to the then Military Deputy Governor, Major John McArthur of this place, that therewith they might build themselves houses in lieu of what the French had perfidiously destroyed of theirs contrary to the Articles of Neutrality agreed upon by both Crowns. This was done before the proclamation of peace; after the peace was known no spoil or waste was committed by any permission, so that if any such thing was done, 'twas done without any authority and not known, and might be as well by negroes as white men. It is

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unreasonable of them to expect that His Majesty's subjects should spend their time and money in watching and guarding their parts of the island after being withdrawn. And it is unreasonable of them to complain of our pulling down a few shattered houses to put in the places of three of our towns, churches and good houses with sugar-works in the country, which they burnt down before they had declared war to us. Since the handing over of the French parts of the island according to the Treaty of Ryswick, the French have made several large demands, a copy of which we now send, understanding the same hath already been dispatched from the Government of Nevis, in whose hands the chief power of these Leeward Islands is at present lodged. We had hoped to send a copy of the answers and remarks made to them, but they have been sent by the aforesaid chief Government and we have no copy. But forasmuch as this island being inhabited by two nations, some misunderstandings may happen arising from the liberties and customs of each other, it was thought convenient for regulating the same in former reigns to have Commissioners of three or four persons of each nation authorised and appointed to examine into and determine such national matters. We leave it to your Lordships' consideration how convenient and necessary some such Commission may be to preserve good union and to prevent troubling your Lordships and the Court with frivolous complaints that may be without any great difficulty moderated and determined here. *Signed*, W. M. Willett, Hen. Burrell, Mich. Lambert, John Garnett. *Endorsed*, Recd. June 26, 1699. 3 *pp.* [*Board of Trade.* Leeward Islands, 6. *No.* 15; *and* 45. *pp.* 405-408.]

April 20.
Admiralty Office.

283. J. Burchett to Mr. Popple. In answer to yours of 18th inst., Capt. Leake, Commander of H.M.S. *Hampshire*, is appointed to command in chief at Newfoundland, who is the next ship that will sail. As for sending the provisions for the soldiers by the last ship, she will not be able to carry the same, in regard she is but a sixth rate. Please move the Council of Trade to consider whether it may not be more convenient to send all or part thereof by the *Hampshire*. And I desire you will let me know whether provisions are to be sent for 61 men only or for them and the ten recruits that are now going, it being not known here whether any of the said 61 men are dead or whether, when these recruits arrive and the sixty one men are entire, the whole number are to be kept up. [*Board of Trade.* Newfoundland, 25. *p.* 294.]

April 21.
Whitehall.

284. Council of Trade and Plantations to Mr. Secretary Vernon. Capt. Leake being now ready to sail, we desire you would please to procure his Majesty's royal signature to the enclosed draft of a Commission for him to command in chief at land during his stay at Newfoundland, it being the same as was granted to Capt. Norris upon the like occasion. *Signed*, J. Bridgewater, Wm. Blathwayt, Jno. Pollexfen, Abr. Hill. [*Board of Trade.* Newfoundland, 25. *p.* 296.]

April 21.
Whitehall.

285. William Popple to John Burchett. The Council of Trade have written to Mr. Secretary Vernon to procure a commission for Capt. Leake like Capt. Norris' of last year. They have no

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objection to the provisions being sent in whole or part by the *Hampshire* and think that if provisions be sent this year for 61 men it may be sufficient. [*Board of Trade.* Newfoundland, 25. *p.* 295.]

April 21. Whitehall. **286.** Journal of Council of Trade and Plantations. Petition relating to the settlement of Tobago read, and petitioners ordered to lay before the Board the contract and articles mentioned in their petition with any other papers they have relating to the Duke of Courland's title to that island. Mr. Chilton attending with others assured the Board there has been no other Attorney-General of Barbadoes constituted by H.M. Commission since Sir Thomas Mongomery. Mr. Hooper was put in by Col. Kendall, and continued since to supply the vacancy till His Majesty please to appoint one.

Mr. Eccleston desiring, in behalf of the Quakers of Maryland, a copy of the Act passed there, July 1696, entitled, An Act for the service of Almighty God and the establishment of the Protestant Religion, ordered, that a copy be given him.

Letter from Mr. Burchet read, and a letter was forthwith signed requesting Mr. Secretary Vernon to procure a Commission to Captain Andrew Leake.

The Secretary ordered to reply to Mr. Burchet about the provisions for the soldiers at Newfoundland.

Order of Council of Feb. 23 *re* Rhode Island read; representation ordered to be prepared to the same effect as that upon the petition of the Hallams relating to Connecticut.

Representation relating to pirates on the coast of Africa ordered.

Governor Blakiston's letter, Maryland, Jan. 29, read. [*Board of Trade.* Journal, 12. *pp.* 7-10; *and* 96. *No.* 64.]

April 22. **287.** Ordnance Office to Council of Trade and Plantations. In reply to your letter of 14th my Lord Romney sends you a copy of our report on H.M. Order in Council of the 6th. *Signed,* C. Musgrave, Ja. Lowther, Wm. Boulter, Jo. Charlton, H. Goodricke. *Endorsed,* Recd. April 25, Read April 26, 1699. *Enclosed,*

287. I. We cannot conceive there could be any just reason for the gunners' complaints, we having by their one (own) appointment paid their wives here their full pay to Aug. 31 last, and we doubt not but their wives supplied them from time to time with necessaries, etc., and that which induces us the rather to believe this, because we never had any intimation from the gunners to the contrary. But we think we cannot justify the payment of them any longer without a particular assignment of moneys from the Treasury for that service, no provision being made by Parliament. We cannot but approve of the building barracks for defending the soldiers against the injuries of the winter seasons, and have made the annexed estimate of the charge, which amounts to 2,312*l.* 5*s.* 2*d.* In pursuance of an Order of Council March 31, 1698, we consulted our engineer who had been at Newfoundland and did then lay before his Majesty an estimate of

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what we thought was necessary to be done for erecting of new and finishing the old fortifications in St. John's harbour, the charge whereof amounted to 1,075*l.* 17*s.* 2*d.*, the doing of which we judged would be of great service, but nothing of this nature can be performed by this office without particular assignments of money from the Treasury.

287. II. Estimate of materials, freight and workmanship in building barracks for three officers and fifty-six soldiers at Newfoundland. *Total*, 2,312*l.* 5*s.* 2*d.* [*Board of Trade.* Newfoundland, 3. *Nos.* 138, 138 I.-II.; *and* (*without estimate*) 25. *pp.* 297, 298.]

April 22.
St. John's.

288. Minutes of Council and Assembly of Antigua. The Assembly affirmed that it was high time the money supplied by them to Col. Holt's regiment to furnish them with cloathes was recovered by the Treasurer from Capt. John Perrie. With reference to the guarding of the island which they said the officers could not do owing to the sickness of the men, the Assembly replied that two of the companies ought to repair to the seven places of guard to windward, four soldiers and a serjeant or corporal on each guard, and be relieved weekly, the other company to be distributed on the several forts and platforms in the room of the Montroses. Many gross abuses having been committed by the soldiers in their quarters, the Assembly desire the attention of Col. Collingwood to them, and also some assurance of payment of the sums reserved in the Act of billeting for quarters thereby allowed. [*Board of Trade.* Leeward Islands, 64. *pp.* 302-303.]

April 24.

289. Minutes of Council of Massachusetts. Writs ordered for summoning the Assembly, May 31. £300 paid to John Walley on account of provisions for the garrison. [*Board of Trade.* New England, 49. *pp.* 204, 205.]

April 24.
Whitehall.

290. Council of Trade and Plantations to the Governor and Company of H.M. Colony of Connecticut. We send you H.M. Order in Council, March 9, upon our representation relating to the petitions of John and Nicolas Hallam, together with copies of the petitions. You are to take notice that his Majesty expects your speedy and punctual obedience as you will answer to the contrary. *Signed*, Ph. Meadows, Wm. Blathwayt, Jno. Pollexfen, Abr. Hill.

291. Same to same. We have received a letter from Col. Winthrop, dated Oct. 27 last, together with a copy of the Laws by which he says his Majesty's subjects in that Colony were then governed; and were glad further to observe in his letter that the General Assembly were then upon revising them in order to some amendments and enlargements with design to transmit them to us in that more perfect form. We expect them to be transmitted to us without delay and in authentic form, under the public seal of the Colony with the attestation of the governor and other proper officers. *Signed, as preceding.* [*Board of Trade.* Proprieties, 25. *pp.* 409, 410.]

April 24.

292. T. Weaver to Mr. Popple. I am leaving England and believe it proper to lodge several papers in your hands belonging to the Earl of Bellomont, which I desire you will communicate to their Lordships as affairs may require. *Enclosed*,

292. I. Memorandum of Papers communicated by Mr. Weaver. Articles against Capt. Evans.

(1) Deposition of Robert Wright about Capt. Evans' cruelty to John Alston, a pirate, and about his releasing him from on board the *Richmond* for a sum of money.

(2) Deposition of John Alston.

(3) Deposition of Derrick Claes De Witt concerning Capt. Evans' and his crew's behaviour at an election of Assembly for Ulster County, 1695.

(4) Deposition of Humphrey Davenport on the same subject.

(5) Deposition of Thomas Nox, a Constable in the County of Ulster, of the short warning given him for summoning the freeholders to an election of Assemblymen in 1695 and of Capt. Evans and his crew voting there.

(6) Deposition of Justice Wincoop as to the latter point.

(7) Deposition of Hendrick Hendricks, a Constable in the County of Ulster, as to the former point.

(8) Letter from a gentleman of the City of New York concerning the troubles which happened in that province in the time of the late happy Revolution.

(9) Loyalty Vindicated, being an answer to a late false, seditious and scandalous pamphlet (8). *Endorsed*, April 27, 1699. 2 *pp*.

292. II. Printed copy of pamphlet entitled as above (8). 24 pp. small quarto. Printed by William Bradford at the Sign of the Bible in New York, 1698. Gives a version of the Leisler affair, 1689. *Endorsed*, Recd. from Mr. Weaver, April 27, 1699.

292. III. Printed copy of pamphlet entitled as above (9). 28 pp. small quarto, including copy of an Act for reversing the attainder of Jacob Leisler and others. (4 pp). Printed at Boston by B. Green and J. Allen, 1698. Defence of Capt. Leisler and the Protestant cause. *Endorsed as preceding*. [*Board of Trade*. New York, 8 A. *Nos*. 24, 24 I.-II. (*without covering letter*); *and* 53. *pp*. 294-296 (*without printed pamphlets*).]

April 24. Whitehall. **293**. Journal of Council of Trade and Plantations. Minutes of Council of Maryland read. Complaint of the Dutch Ambassador against Mr. Trott, late Governor of the Bahama Islands, read, and a copy of it ordered to be sent to the Agent for the Lords Proprietors and a speedy answer desired.

Letters to the Governor and Company of Connecticut signed.

April 25. Mr. Thurston, agent for the Company of soldiers at Newfoundland, attended and received instructions about their provisions and pay.

Representations upon the petition of Francis Brinley of Rhode Island and upon Pirates on the coast of Africa, signed.

Remonstrance of the General Assembly of Antigua (*No.* 297), read and thereupon some directions relating to Col. Codrington's instructions were given. Secretary ordered to write to the Clerk of Council, Secretary, and Clerk of General Assembly there, when Col. Codrington repairs to the Government of the Leeward Islands, to transmit constantly the minutes and proceedings in the business under their charge.

Mr. Chilton showing that Sir Thomas Mongomery's patent for the place of Attorney-General in Barbardoes was only during pleasure, and stating that the Earl of Tankerville had no objection on Mr. Grey's account, representation ordered recommending him to that post.

April 26. Mr. Lloyd's caveat against Sir William Beeston's present read. He was informed with regard to his design to print a journal of proceedings in Jamaica in the time of the French invasion, that it would be more proper to offer what he thought fit to the Board in writing than to appeal to the public in print.

Letter from the Ordnance Office (Ap. 22) read and answered. Mr. Lucas and Col. Codrington summoned to attend the Board on Friday. [*Board of Trade.* Journal, 12. *pp.* 11–16; *and* 96. *Nos.* 65, 66, 67.]

April 24.
Whitehall.
294. James Vernon to the Council of Trade and Plantations. His Majesty commands me to send you the enclosed complaint of the Dutch Ambassador in the name of the States General against Mr. Trot, Governor of New Providence, which His Majesty would have your Lordships consider, and, if you have received any information of this matter, that you lay before him a state of the case with your opinion what may be fit to be done towards repairing the injury complained of. *Signed,* Ja. Vernon. *Enclosed,*

294. I. Complaint of Dutch Ambassador. Upon March 17, 1695, N.S., the ship *Juffrow Geertruÿd*, belonging to the States of Holland, commanded by Capt. Dirck Lofreÿs, Gerard Loman being lieutenant, both having H.M. commission, was cast away near the Bahamas, with 73 or 74 thousand pieces of eight on board her and a great quantity of merchandize. Sixty-five of the ship's crew saved themselves in the pinnace and a long boat, and got to New Providence 17 days after, having saved only their clothes and arms and some of them a little money. On their arrival Governor Nicholas Trott seized on their arms, and after he had an account of their misfortunes, he caused a sloop to be fitted out and sent to the vessel, not suffering any of the castaway men to go to her, except one Frenchman who went for a pilot. The men then desired their arms might be returned and to depart the place, which he refused, but tendered them their fuzees, provided they would pay him 12 pieces of eight for each, which they refusing to do, he kept them. They much urged their necessity to depart the island, having but little money and provisions, told him they were honest men and no pirates, and that they had their Majesties the King and Queen of

England's commission, which Governor Trott saw and allowed of, but bid them not trouble or molest him about their going away, for he would keep them there, Trott saying, "I have another way to deal with you notwithstanding your commission, I will make you know I am King of Providence." Some time after, the vessel he sent arrived from the wrecked ship whence they took up thirty-three thousand pieces of eight besides merchandize, which Trott shared to himself and his gang, but gave not one real to any of the ship's crew. The distressed men applied themselves again for leave to go off, which he refused, unless they paid 40 pieces of eight a man, being 60 in number, and 20 pieces of eight each for 5 boys, and likewise one piece of eight each for his ticket, but 10 Spaniards who were of their company he let go free. Gerard Loman, the lieutenant, and 15 men went on board a vessel bound for Rhode Island, five of the fifteen had not paid to Trott their forty pieces of eight and other fees, for which he sent after them and took the vessel and made the whole company prisoners and so kept them till the said five persons had paid their forty pieces of eight a man and also ten more each. He made prize of the vessel, and seized her in order to condemnation. *Endorsed*, Recd. Read April 24, 1699. *Copy.* 2 *pp.* [*Board of Trade.* Proprieties, 25. *pp.* 406-408; *and* (*without covering letter*) 3. *No.* 10; *and* (*without enclosure*) Trade Papers, 14. *pp.* 247-248.]

April 25. Whitehall. **295.** William Popple to Mr. Thornburgh. I am to request you to lay the complaint of the Dutch Ambassador (*No.* 294 i.) before the Lords Proprietors of the Bahama Islands, and to desire them to enable the Council of Trade to give such an answer as his Majesty requires from them. [*Board of Trade.* Proprieties, 25. *p.* 408; *and* North Carolina, 4. *pp.* 71, 72.]

April 25. Whitehall. **296.** Mr. Popple to Mr. Bevis Hill, enclosing letters to be forwarded by different ships to the Governor and Company of Connecticut. *Signed*, Wm. Popple. *Annexed*,

296. i. Receipts for above letters from masters of ships, forwarded by Mr. Bevis Hill. [*Board of Trade.* Proprieties, 3. *Nos.* 24, 24 i.]

April 25. (Antigua. Nov. 29. 1698.) **297.** General Assembly of Antigua to Council of Trade and Plantations. In ours of Aug. 12, 1698, we gave some account of His Majesty's Leeward Islands in general and of this island in particular. We now offer some further considerations. (1) It has been no small dissatisfaction to the inhabitants of this island that they have all along laboured under difficulties in regard to the validity or invalidity of their laws, arising from the uncertainty of their being transmitted for confirmation in the limited time of three months. The care of sending the laws home being vested solely in the Government has sometimes been the cause of their lying dormant till grown obsolete. When the Governor's assent has been gained, after much intercession and trouble, to such laws as

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are in themselves wholesome and for the common good of the people, if they in any way thwart his private interest, or the advantage of his favourites, 'tis wholly in his power, by not duly sending them for approbation, to destroy their force at will. We pray that in succeeding Commissions for this Government, His Majesty may be moved either to leave out the limitation of three months for transmitting our Laws, or to grant the Speaker of the Assembly for the time being authority also to send them home, with duplicates under the public seal, and that the entry of such transmission in the Assembly Book may be a sufficient proof of the validity of a law till His Majesty's pleasure be known. (2) There is another growing evil, which unless prevented, may prove a slight to the King's authority and no small abridgement of the privileges granted to his people. The minutes of the Council and Assembly are commanded to be transmitted every six months to your Lordships for due inspection, that nothing may be transacted or pass between His Majesty's Governors and his people in this distant colony but what may fully come to His Majesty's knowledge, to the end that nothing may be admitted to touch his royal prerogative or the liberty of his subjects. Yet have we good reason to think that the said minutes have not been duly sent, and that when transmitted, they have been very imperfect, several passages, not agreeing with the judgment of the Governor or Commander-in-chief being wholly left out, thereby deceiving the King and preventing the people's grievances being known. We pray that the Speaker of the Assembly for the time being be empowered to send duplicates of the Minutes of the Assembly as the occasion shall require. (3) It sometimes proves an obstruction to justice, that the judges or assistants of any of the Courts of Common Pleas are also of the Council, since the same persons holding jurisdiction of any cause or matter in an inferior court are not proper judges to review the same in a superior, but unless the Counsellors are thus allowed to be judges of their own errors, they will be so few, that the remaining part will not consist of a number sufficient to proceed to any business whatever. We pray that this may be remedied, as also that pleading lawyers may not be of the Council. (4) Among the many pressures the inhabitants of this island frequently lie under, that of the King's officers collecting the 4½ per cent. custom is none of the smallest. Merely to propagate their own interest they find fault with that part of the country's product which is from time to time tendered by traders and planters for the Custom of what they export, though commonly the choice of the whole parcel to be shipped, on which the said Custom becomes due, to no other end but that the shipper should pay the same in money, which he is often compelled to do at the rate of two, three and very often four shillings per cent. above the common price. Thus the tax is raised from 4½ to 6 *per cent.*, and the overplush, tumbling into the private purse of a customer, he is able by being master of so much money, to purchase ordinary sugars and other the country's growth at a shilling or two in the hundred below the current rates. To remedy this and in regard of the distant living of the planters from the Custom-house, we pray that an order may be given to the collectors to receive the Custom not only at the town of St. John's, but also at the town of Parham, the latter being as commodious for one part of the inhabitants as the former is for the other part. Customs are paid at the several towns in Barbados in this fashion. We also pray that, if the ships through badness of weather or other accidents cannot forthwith carry so much of the growth of the country to either of the said towns as may be sufficient to satisfy the 4½ *per cent.* of what intends to export, that the Customer be obliged to accept as much money from the shipper as may fully equal the value of such duty or custom, and eighteenpence or two shillings in the hundred more than such value, according to the price then governing, to secure the said duty, till the shipper can bring the same in specie to one of the two towns before mentioned; for the effecting which payment the space of thirty days be allowed the shipper, and we pray when at any time the goodness of the specie be disputed by the Customer, that it may be in the power of any Justice of the Peace of this Island to appoint by warrant under his hand three known honest men to judge of the merchantableness of such specie, their return, or any two of them agreeing, made on the back of the warrant to put a full period to all differences. We suffer another intolerable hardship from the Collectors. After the duty has been paid and the cockett duly taken out of the office, the goods mentioned in the cockett are not allowed to be shipped off from any of the convenient shipping places which God Almighty has been pleased to benefit us with, except by a permit at the charge of three shillings limited to a few days, which, through badness of weather and other accidents the shippers have frequently been forced to renew so often that the charge amounts to more than the whole custom to the King. If the shipper presumes on his lawful dockett alone to ship cargoes, they are seized and allowed to rot till the trial is held at the time the officers think fit; it may be in three, six or eight months, which to our sorrow has not been discountenanced by the chief authority amongst us. The shipper thus becomes liable for not fulfilling his contract, loses the cargo which lies rotting, and though cleared by the Court has to pay the costs of the suit. Another grievance is that on all goods imported from England or Ireland, though a vessel may bring 500 small parcels belonging to as many several people, very many of the Planters of late years sending for their own necessaries, before being admitted to land the same, a permit for each individual with a forward charge of three shillings is imposed on us on pretence of securing the King's Customs, by inspecting the goods and comparing them with the cocketts taken out of His Majesty's Custom-house in Europe, which money, when thus unjustly forced from us, we can truly say we never knew one example of such inspection, though are of opinion such officers are *ex officio* obliged constantly to make such enquiry without any charge to the subject. We hope His Majesty will order that all cocketts taken out of the Custom-house of this island shall be deemed a sufficient licence to bring any the growth of the same according to the quantity therein specified from any bay, harbour, creek or other convenient shipping place belonging

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thereto to either of the towns of St. John's or Parham, and that no permit be granted on any score whatever except for bringing by water a hogshead or other quantity of sugar to pay His Majesty's Customs as occasion shall require, and that also gratis. And if any perishable goods happen to be seized, that the customer shall be obliged to deliver the same to the owner on receiving security of double the value, the goodness of the security to be adjudged by any two Justices of the Peace. And to prevent damage through delay, that all actions and informations for seizures shall be brought in any of the Courts of Common Pleas or General or Quarter Sessions of this island, and there finally determined in three months or else the bonds of security to be void. And that if the seizure be found to have been unlawful, the defendant shall pay no cost and charge of Court. And, in case of there being no Courts to try the seizures within the three months, that the Governor and Council for the time being be invested with full power and authority to determine the said cause in the time mentioned. *Signed*, George Gamble, Speaker. *Endorsed*, Recd. from Mr. Cary, March 28, 1699, Read April 25, 1699. 8 *large closely written pages including brief abstract. Enclosed*,

May 19.
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Antigua.

297. I. An Act for the settlement of the Custom or Duty of four and a half *per cent.* Whereas by reason of the late war several of His Majesty of Britain's territories on this side the Tropick became subject through conquest to the French King, and amongst others this island of Antigua was subdued by Monsieur De La Barr, Lt. General by sea and land to the said French King, being assisted by the canibal Indians, by means whereof all the lands within this island became forfeited unto His Majesty, as by an Act of this country bearing a date April 10 last may more at large appear, Know ye that for and in consideration of new grants and confirmation of our said lands under the great seal appointed for Barbados and the rest of the Carribbee islands by His Excellency William Lord Willoughby of Parham, we do give and grant to His Majesty, his heirs and successors for ever, by and with the advice, consent and authority of the Council and Assembly of this island that an impost or custom be from and after the publication hereof raised upon the native commodities of this island, viz.: four and a half *per cent.* in specie to be paid to the King upon all commodities of the growth or production of this island shipped off from the same, under penalty of forfeiting one moiety to the King and one to the informer. *Signed*, W. Willoughby. *Copy* taken out of the records in the Secretary's office of Antigua, *certified*, Walter Quarme, Dep. Sec. 2 *pp.* [*Board of Trade.* Leeward Islands, 6. *Nos.* 16, 16 I.]

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April 25.

298. Hudson's Bay Company to the Lords Commissioners. The French Commissioners have not delivered in their full claim and pretences at the same time as our ample deduction of right and title, as promised. Though we gave a positive answer to that irregular demand of the French on that simple point of Port Nelson in submission to that Honble. person who required the same, yet by the directions of the Treaty of Peace, providing for the appointment of Commissioners to determine the rights and pretension which either King hath to the places situate in Hudson Bay, we conceive that we are not obliged to follow the French by pieces and particular steps, but again insist that they may exhibit their full title and claim as we have been obliged to do and then we are ready to join issue with them. [*America and West Indies.* Hudson's Bay, 539. *No.* 8. *pp.* 16-18.]

April 25. Whitehall. **299.** Council of Trade and Plantations to the King. We have considered the petition of Francis Brinley (Feb. 23), but finding nothing therein whereby we might be enabled to form an opinion upon the right of the case, we recommend that, for preventing the like obstruction of Justice, the Governor and Company of your Majesty's colony of Rhode Island be required to take care that the petitioner be allowed to appeal to your Majesty from the judgment already given, and further that all persons whatsoever who may think themselves aggrieved by sentences given in the Courts of that colony be likewise allowed to appeal unto your Majesty in Council. And that authentic copies of records and other proceedings in all such cases be transmitted hither in order to a final hearing and determination thereof. *Signed*, J. Bridgewater, Tankerville, Ph. Meadows, Wm. Blathwayt, Jno. Pollexfen, Abr. Hill. [*Board of Trade.* Proprieties, 25. *pp.* 410, 411.]

April 25. **300.** Council of Trade and Plantations to the King. As to the proposals of the Royal African Company (March 30), the measures suggested in (1) and (4) have long since been directed. We think that one fifth-rate frigate should be appointed to cruize as proposed (2), and it would be well if another could be spared to cruize as proposed (3). *Signed*, J. Bridgewater, Tankerville, Ph. Meadows, Wm. Blathwayt, Jno. Pollexfen, Abr. Hill. [*Board of Trade.* Plantations General, 35. *pp.* 38, 39.]

April 25. **301.** Copy of the Docquett in the Signet Office book, August, 1686, for a grant to Thomas Montgomerie of the office of Attorney General in Barbados.

Copy attested by George Wooddeson, of the Signet Office, and produced to the Board of Trade by Edward Chilton. *Endorsed*, Recd. Read 25 April, 1699. [*Board of Trade.* Barbados, 7. *No.* 85.]

April 25. **302.** Minutes of Council of New York. Thomas Palmer, Controller of H.M. Customs, summoned and confronted with Matthew Clerkson, Secretary of the Province, who declared he had heard him say he wondered that the Mayor and Mr. Lewis, being merchants, should lay such a clog on trade as the revenue. Corroborated by Andrias Gravenreadt. Palmer suspended from his office.

April 26. Petition of Garret van Trift referred to the Mayor and Aldermen for their opinion.

April 27. Col. Dongan's accounts ordered to be audited by a Committee.

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Execution granted against Valentine Cruger, surviving partner of Francis Tyrens.

Inventory of Bradish's jewels. [*Board of Trade.* New York, 72. *pp.* 223-226.]

April 25. **303**. Minutes of Council of New York in Assembly. Three Bills (Ap. 22) read the second time and committed.

April 26. Bill for preventing vexatious suits read the third time and returned down amended. A committee of both Houses appointed to consider the bill about negroes and Indians.

April 27. Revenue bill sent up, read the first and second times and committed.

Bill against vexatious suits returned with amendments agreed to.

April 28. Amendments proposed to the Revenue Bill. A conference with the Representatives arranged.

April 29. The Representatives do not agree to two of the amendments proposed.

Bill for settling Jacob Milburne's estate read the first time.

An address from the House of Representatives with several petitions annexed referred for consideration.

Anthony Blunt, Jonathan Bennet and Thomas Rothburne released from their securities not to depart the province. [*Board of Trade.* New York, 72. *pp.* 780-787.]

April 26.
Whitehall.
304. Council of Trade and Plantations to Lord Romney. The letter we have received from the Ordnance Office we conceive to be only for our information of the progress that is making. We pray your Lordship to be mindful of causing as speedy a despatch as may be of the several particulars mentioned in our letter of Ap. 14. *Signed*, J. Bridgewater, Ph. Meadows, Wm. Blathwayt, Jno. Pollexfen. [*Board of Trade.* Newfoundland, 25. *p.* 299.]

April 26. **305**. Mr. Lloyd, late Chief Justice of Jamaica, to the Council of Trade and Plantations. A *caveat* against the late Act of Assembly for a present of £1,500 to Sir Wm. Beeston. The pretence for giving him this money is to reward his care in the time of the French invasion of that island. I was a principal actor against them at that time, and have a Journal of the whole affair. It will be ready for the Press by the beginning of next week. I intend to dedicate it to your Lordships, and think it may induce you to think he deserves not to be gratified for his behaviour on that occasion. *Signed*, Rich. Lloyd. *Endorsed*, Recd. Read Ap. 26, 1699. [*Board of Trade.* Jamaica, 8. *No.* 113; *and* 56. *p.* 313.]

April 26. **306**. Minutes of Council of Virginia. By the state of the Public Accounts laid before the Council it appearing that the revenue is not above £200 sterling in arrear, it was not thought necessary to recommend them to the General Assembly. Com-
April 27. missions for administering the oaths to the House of Burgesses and General Assembly signed.

April 28. The illness of Mr. Secretary Wormley was announced. In answer to enquiries about arms and ammunition, it appeared that there were none, except only those at James City, Yorke and Tindall Point, of which accounts had been already transmitted. No arms had been sent into the Colony since 1692, when 200 were

sent in by Jeoffrey Jeffreys, which were all burnt last fall in the State-house. His Majesty's Instructions about fortifying the harbours recommended to be laid before the Burgesses. Capt. Francis Clements attended as ordered and gave an account of what he had done as Clerk of the Council, and how owing to indisposition he was forced to apply for his discharge and leave the minutes in the hands of Mr. Deputy Secretary Jennings, who gave them to Mr. Robert Beverley. Clerk of the Council ordered to enquire about them. Israel Voss authorised to pilot ships up James River. Attorney General ordered to prosecute Robert
April 29. Beverley (*see No.* 265) and Thomas Gyles for a similar forcible entry upon lands belonging to Mrs. Mary Pitt in the Isle of Wight County. Francis Mackennie, a Dissenting minister, petitioning for a proclamation declaring the freedom and liberty of conscience for Dissenters allowed by the Laws of England, was informed that such liberty would be allowed them, provided they used it civilly and quietly and did not disturb the peace of the Government. [*Board of Trade.* Virginia, 53. *pp.* 237-240.]

April 27. Kensington. **307.** Order of King in Council, referring the Representation of Ap. 25, about pirates on the coast of Africa, to the Admiralty. *Signed*, John Povey. *Endorsed*, Recd. May 4. Read May 5, 1699. [*Board of Trade.* Plantations General, 5. *No.* 12; *and* 35. *p.* 41.]

April 27. Kensington. **308.** Order of King in Council. Upon further consideration it is decided to omit the words, "as also upon soldiers in pay" from Col. Codrington's Commission. Mr. Secretary Vernon to prepare a warrant for such a commission. In agreement with the representation of the Lords Commissioners for Trade and Plantations, they are hereby instructed to prepare a draft of instructions to be sent to the several Governors whose Commissions have passed without the said alterations, that they do forbear to put the same in execution, so far as relates to the said alterations, which in time of peace may be supplied by the Legislative power in the General Assemblies of the several Plantations. *Signed*, John Povey. *Endorsed*, Recd. Read May 2, 1699. 2 *pp.* [*Board of Trade.* Leeward Islands, 6. *No.* 17; *and* 45. *pp.* 357, 358; *and* Plantations General, 35. *pp.* 40, 41.]

309. Memorandum of above Order. ½ *p.* [*Board of Trade.* Plantations General, 5. *No.* 13.]

April 27. Whitehall. **310.** Representation of the Council of Trade and Plantations upon the petition of Mr. Chilton for the post of Attorney General of Barbados. Since the removal of Sir Thomas Montgomery, who was commissioned by the last King James, there has been no person appointed by Patent to succeed in that office, but the same has been executed by one appointed by the several Governors of that island successively. We have received a very favourable character of Mr. Chilton's capacity and zeal and recommend that he be appointed, with a clause of residence. *Signed*, J. Bridgewater, Tankerville, Ph. Meadows, Wm. Blathwayt, John Pollexfen, Abr. Hill. [*Board of Trade.* Barbados, 44. *p.* 254.]

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311. Order of Council instructing Mr. Secretary Vernon to prepare a warrant for the appointment of Mr. Edward Chilton as Attorney General of Barbados during his Majesty's pleasure, "and that he be obliged by the said Commission to actual Residence upon the place and to execute the said office in his own person, except in case of sickness or other incapacity." *Copy. Signed,* John Povey. *Endorsed,* Recd. Read 2nd May, 1699. [*Board of Trade.* Barbados, 7. *No.* 84; *and* 44. *p.* 255.]

April 27.
Kensington.

312. Order of King in Council. The Lords Commissioners of the Admiralty are to give the necessary directions for getting ready the provisions for the soldiers at Newfoundland according to H.M. Order in Council of April 6. *Signed,* John Povey. *Endorsed,* Recd. Read May 2, 1699. [*Board of Trade.* Newfoundland, 3. *No.* 141; *and* 25. *p.* 304.]

April 27.
Kensington.

313. Order of King in Council. The Lords Commissioners of the Treasury are to give the necessary directions for issuing the sum of money requisite for raising and transporting the recruits to Newfoundland and for the necessary charges of the several particulars pursuant to H.M. order of April 6. *Signed,* John Povey. *Endorsed,* Recd. Read May 2, 1699. [*Board of Trade.* Newfoundland, 3. *No.* 139; *and* 25. *p.* 302.]

April 27.
Kensington.

314. Order of King in Council. The Master General of the Ordnance is to give the necessary directions that the several services at Newfoundland directed by H.M. Order in Council, April 6, relating to the Office of Ordinance be performed and complied with with all convenient speed. *Signed,* John Povey. *Endorsed,* Recd. Read May 2, 1699. [*Board of Trade.* Newfoundland, 3. *No.* 140; *and* 25. *p.* 303.]

April 27.
Kensington.

315. Order of King in Council approving the representation of the Council of Trade and Plantations, April 25, on the petition of Francis Brinley and commanding them to signify His Majesty's pleasure to the Governor and Company of the Colony of Rhoad Island accordingly. *Signed,* John Povey. *Endorsed,* Recd. Read May 2. 3 *pp.* [*Board of Trade.* Proprieties, 3. *No.* 11; *and* 25. *p.* 412.]

April 27.

316. Minutes of Council of Massachusetts. Letter from the Council of Trade, about Laws repealed and approved, read and published. Capt. Timothy Clarke empowered to endeavour to recover a vessel, the *Ann,* John Tooker, master, violently suspected of having been wilfully sunk. Mr. Secretary Addington paid £10 17*s.* on account of fees. [*Board of Trade.* New England, 49. *p.* 206.]

April 27.
New York.

317. Governor the Earl of Bellomont to the Council of Trade and Plantations. I issued writs on Jan. 19 for the calling an Assembly to meet on March 2nd, but Hudson's River not being free from ice so as the members could come down from Albany or Ulster Counties I adjourned it till March 21. There was the greatest struggle at all the elections ever known and in some places fighting and broken heads. Mr. Nichols, late of the Council, and

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Jamison, Clerk of the Council under Col. Fletcher, were the great incendiaries, especially Nichols, who rode night and day about the country endeavouring to possess the people that now was the time to get rid of a revenue and set themselves on an equal foot of liberty with the neighbour Colonies; for paying Customs, he insinuated, was a certain badge of slavery. The country people learnt from him a by-word, Now or Never, which was very common among them. In this town he encouraged a club of dissatisfied marchands to the number of 28 or 30, where one constant health was, To him that durst be honest in the worst of times. There came a ship hither from England in Dec. and with her a servant of Col. Fletcher's by whom he wrote to at least 20 of his friends here, and assured 'em all his affairs were in a very prosperous condition at the Court and that he made no manner of question to baffle all the accusations I sent home. Upon the receipt of these letters, dated Aug. and Sept., the angry people here were so exalted that their insolence grew intolerable, and because I had no letters in several months from your Lordships or the rest of the ministers, they looked on that as a fine presage of my disgrace at Court. I was told Col. Fletcher animated his friends in those letters to that contumely he inspired into them at his going away, and advised them by all means to traverse me in the elections, for that an Assembly that would refuse to continue the Revenue would be a sure means to ruin my interest at Court and get me quickly called home. In the beginning of winter I made new sheriffs in the several counties, putting out Col. Fletcher's stale sheriffs of five or six years' standing and putting in men of the best figure in their counties and well affected to the King. The elections were very fairly carried. The Leisler party (as the contrary party call 'em) were 455 votes in this town against 177. Yet there was a cavil afterwards raised by Nichols because the electors on both sides did by a tacit consent name one candidate only, expressing the rest by the word (company), to save time, because there were four candidates of a side whom it would have been tedious to name. The Leisler party voted for the Mayor of New York and Company. The others, whom the Leislerites call the Jacobite party, voted for Mr. Wenham and Company. This is all the objection I have heard the angry men have made to the fairness of the election. Nichols and the rest of the faction, as an artifice to draw all the English to vote for their friends, called themselves the English party: but what is observable and very ridiculous besides is, that three of the four candidates they set up were as mere Dutch as any are in this town. Alderman Wenham was the only Englishman of 'em; the other three were Johannes van Kipp, Rip van Dam, and Jacobus van Courtlandt. The names speak Dutch and the men can scarce speak English. I discourage all I can these distinctions of Dutch and English, which is set on foot by the factious people of this town, and I tell 'em those are only to be acknowledged Englishmen that live in obedience to the laws of England. The rest of the Elections were all petitioned against to the Assembly, but their suggestions were so frivolous that the disaffected party in the House joined with the others in throwing the petitions out. That party are but five in the House, and the hottest men of this Province next to Bayard, that's gone for England, and Nichols. For instance, in the House of Representatives t'other day, upon reading a Bill where were the words "late happy Revolution," Captain Whitehead moved that the word "happy" might be left out, for he did not conceive the Revolution to be happy. He is a member for Queen's County on Nassau Island, keeps a public-house at a town called Jamaica and is a disciple of Nichols'. 'Tis at his house that Nichols had always a rendezvous with his pirates in Col. Fletcher's time, and twice the last summer, as I afterwards heard, and which was sworn to by John Williamson, whose deposition I sent you Oct. 21 last (*sic*). Nichols has so poisoned the people of Queen's County, who are all English, that three-quarter parts of them are said to be downright Jacobites, and to avoid taking the oath to the King, which I lately enjoined all the males of the province to do from 16 years old and upwards. A great many men in that county pretended themselves Quakers to avoid taking the oaths, but soon after at the election of Assembly men, those very men pulled off the mask of Quakerism, and were got very drunk and swore and fought bloodily, their padrone, Mr. Nichols, being a spectator all the while. In Suffolk County on Nassau Island they are all English too, but of a quite different temper and principle: the balance is ten Williamites for one Jacobite. Our Assembly consists of 21 members, sixteen whereof are Leislerites and voted for the revenue, and will, I am persuaded, be always true to the King's honour and interest. They voted the continuance of the revenue the third day of the session, and that for six years after the expiration of the present revenue, and there is a year of that term unexpired. I am told that two of them would have had the term to be three years instead of six, and Nichols is supposed to have tampered with them, having been observed to be in their company.

I send a paper which was very industriously dispersed before the elections, with design to obstruct the continuing a revenue to the King. I have the first of them, that was left in the Coffy House in this town, and 'tis writ by Col. Bayard's son and interlined and amended by Jamison. 'Tis originally writ by Nichols, and only copied by Bayard. 'Twas calculated to stir up sedition among the people, and there is an unmannerly reflection against the Privy Council of England about the order on the subject of maintaining the privileges of this port against Perth-Amboy in East Jarzey. The pamphleteer does not name the King in his reflection because he durst not, but that he has malice enough and disaffection I shall now prove by certain evidences that have occurred to me—the depositions of Mr. Edsall, an English gentleman that lives in Queen's County, and Mr. Governeur, a member of this Assembly, of Mr. Parmiter, the Naval Officer, and Mr. Lawrence, and a paper containing several articles against Mr. Nichols which were intended to hinder his being sent to England as agent for this Province, but had not that effect. Mr. Nichols and Mr. Brookes were sent joint agents by Col. Fletcher in 1695, and were taken by a French ship at sea and carried into France, where they were kept prisoners for some time at or near Brest, and some other person who was then a prisoner,

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upon their enlargement and arrival in London, made oath, either before the Privy Council or one of the Secretaries of State, that they both uttered very scurrilous and opprobrious language against His Majesty and declared themselves much in favour of the late King James, and I think drank a health to the latter and confusion to the former. The particulars I do not remember exactly.

May 8. I send the address of the House of Representatives to His Majesty to congratulate his safe return to England from Holland.

May 12. In obedience to the commands of the Lords Justices (Nov. 10, 1698), I did with the advice and consent of the Council direct the Attorney-General to prepare and bring in a Bill for vacating the extravagant grants of lands by Col. Fletcher to Mr. Dellius, Col. Bayard, Capt. Evans, Col. Caleb Heathcot and to the Church. The two last were the Governor's demesne, the first by the name of the King's Garden and that to the Church, the King's Farm; and though these two be the smallest grants, I always thought it a greater impudence in Fletcher to give away the conveniences from the King's Governors than in granting away a large tract or two of land. The Council were equally divided, three against three, so that I was obliged to give a casting vote for the Bill. Those three that were against it have the largest grants in the Province, next to Mr. Dellius's. We sent the Bill down to the House of Representatives, where it met with a cheerful concurrence, they adding a clause to deprive Mr. Dellius of his benefice at Albany, to which the Council and I agreed. The enclosed minute will show you that I have got the Bill made to tie up my own and all succeeding Governors' hands from granting away or so much as leasing the demesne of the Governor for more than his own time in the government. I did not think fit to put the regulations ordered in the Lords Justices' letter in the granting of lands into this Bill, because this is intended only as an essay, and I thought it would be best to defer the making those regulations part of a Bill till I should try another session to vacate all the other extravagant grants, which are 8 or 9 in number. In the next place I was apprehensive those regulations (one whereof is that every 100 acres shall pay a quit rent of 2*s.* 6*d.* per annum to the Crown) might alarm the Assembly and prejudice them against such a charge on their lands. The getting this Bill passed has drawn upon me the implacable hatred of the parties concerned, and the rest of Fletcher's Palatines, those, I mean, that have immeasurable grants, fancy I shall push at them the next time, so that they are equally angry. As for the King's Farm granted to the Church, the whole faction, I understand, are resolved to bring on my head the anathemas of the Bishop of London and the Clergy, if they can by any means provoke 'em to resent its being evacuated with the rest; notwithstanding I have given the English Minister much more than an equivalent for what the Act of Assembly has taken away, for by the King's Farm he had but £7 per annum rent and I with the consent of the Council have allowed him £26 per annum to pay his house rent, in which we are warranted by the King's instructions.

In obedience to your commands I have had the Bill against Privateers and Pirates passed, of which you sent the draft with me, but that for settling the Post Office, the Council and I thought fit to

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respite till the next session, at the earnest request of Col. Hamilton's Deputy Postmaster, who pretends the bill as at present drawn will totally discourage the keeping up that office. The passing an Act to set the value of men's estates to serve as jurors, which your Lordships also ordered me, is complied with. A Bill for facilitating the conversion of Indians and Negroes, which the King's instructions require should be endeavoured to be passed, would not go down with the Assembly, they having a notion that the negroes being converted to Christianity would emancipate them from their slavery and loose them from their service, for they have no other servants in this country but Negroes. A Bill to enforce the building of public work-houses (another instruction from His Majesty), to employ the poor and also vagabonds, I offered to the Assembly, but they smiled at it, because indeed there is no such thing as a beggar in this town or country, and I believe there is not a richer populace anywhere in the King's dominions than is in this town.

May 16. Yesterday in the evening the House of Representatives brought me a remonstrance which they desired I would humbly lay before the King. I could not refuse the receiving it and promising them to send it to your Lordships that, if you thought fit, it might be presented to the King in their names, for I take it to be the right of the subjects to petition the King. But I should first have told your Lordships that I was forced to use an artifice to save Mr. Graham, the late Speaker, from being expelled the House. I was informed by Dr. Staats, one of the Council, yesterday morning that the Representatives had prepared a Remonstrance and were resolved to compel Mr. Graham, their Speaker, who has the ill-luck to be hated by all parties in the House, to deliver it to me attended by the whole House, and in case of his refusal to throw him out. Afterwards Mr. Graham came to me with great concern and told me that the Remonstrance was produced and read in the House, but that he would be torn to pieces sooner than bring up and read such a paper at the head of the House, which, he said, arraigned all the proceeding against Leisler and Milburn, and by so doing, he said *in terminis*, it would be cutting his own throat. Upon which, having been ordered by the Lords Justices' letter of Nov. 10 to swear Mr. Graham, among other persons therein named, of H.M. Council, I sent for the House of Representatives and acquainted them with the King's commands and swore Mr. Graham of the Council and directed them to go and choose another Speaker, which they did, and chose Mr. Gouverneur, who I believe penned the Remonstrance, where your Lordships will meet with some expressions and words that are not very proper English. It goes.

The Council and I during this session reversed a judgment given by Col. Fletcher and the Council in his time against Mrs. Wandale, a widow, in favour of one Alsop. I will shortly send a copy of her husband's will and a state of her case, that you may be judges how crying a piece of injustice it was in Col. Fletcher to strip the widow of her estate. Common fame says that Nichols had a good part of the estate for prevailing with Fletcher to give that unjust judgment, and that Fletcher had 60*l*. for his share. This sort of proceeding is a mystery of iniquity, and hard to find out and discover the truth of. Alsop is a silly sort of man and perhaps might betray his bargain with Nichols; but this is certain that when Col. Fletcher pronounced his judgment he was observed to fall into an agony and trembling and grew very pale, so that everybody present took notice of his strange disorder. I have this morning prorogued the Assembly to the 20th of next Sept., and this afternoon I am to embark for Boston in New England, on board a little galley which the Lt.-Gov., Mr. Stoughton, and the Council have sent to transport me thither. The short discourse I made to the Assembly at my parting with them goes. *Signed*, Bellomont. *Endorsed*, Recd. Aug. 31. Read Dec. 8, 1699. 6 *closely written pp. Holograph. Enclosed*,

317. I. Abstract of preceding letter. $2\frac{1}{4}$ *pp.*

317. II. Copy of Mr. Nichols' Pamphlet intended to influence the elections of Assembly men with a view to their refusing to continue the King's Revenue. $6\frac{1}{4}$ *pp. Endorsed*, Recd. Aug. 31, 1699.

317. III. Copy of Deposition of Samuel Edsall and Abraham Gouverneur, Ap. 24, 1699, that in Jan. 1690 William Nichols and Nicholas Bayard, when brought before Capt. Leisler, refused to own King William and Queen Mary lawful King and Queen of England. *Endorsed as preceding.* 1 *p.*

317. IV. Printed copy of Lord Bellomont's Speech to the House of Representatives, March 21. *Endorsed as preceding.* 3 *pp.* Printed and sold by William Bradford, Printer to the King in the City of New York.

317. V. Copy of deposition by Paroculus Parmyter (March 25, 1699) that in December last William Nicholls expressed great dissatisfaction with the late Revolution. *Endorsed as preceding.* 1 *p.*

317. VI. Copy of deposition of Daniel Lawrence (April 19, 1699) that about ten years since William Nicholls told him that he and a companion killed a man with their swords, and, escaping from prison, fled to Spain and thence to this country. *Endorsed as above.* 1 *p.*

317. VII. Copy of articles exhibited against William Nichols, Oct. 26, 1695, to prevent his being sent Agent to England. He is represented as a scoffer at religion, a Jacobite, whoremonger, and murderer. *Signed*, Susannah Churchill and Daniel Lawrence, sworn before Alderman Beckman. *Endorsed as preceding.* 2 *pp.*

317. VIII. Copy of an Address of the General Assembly of New York to the King. Expressing loyalty, and appreciation of Bellomont. *Signed*, Ja. Graham, Speaker, Jo. D. Peyster, Abrah. Gouverneur, K. V. Reneselaer, Henry Peirson, Gerrit Veghte, Jno. Jackson, Tho. Morgan, D. Pro Voost, Math. Howell, Leo. Lewis, Gab. Ludlow, (Clerk of the Assembly), Hendrick V. Brurnt, Cornelius V. Brint, Beyers Shernicheorn, Jno. Drock, A. Hosberk, Jno. Hunt, Jno. Jonson Cleeker, Cornelis Sebring, Danl. Whithead, Jacob Rutson. *Endorsed as preceding.* $1\frac{3}{4}$ *pp.*

317. IX. Minute of Council of New York, Ap. 6, 1699, referred to in preceding letter. *Endorsed as preceding.* ¾ *p.*

317. X. Copy of Petition and Remonstrance of the General Assembly of New York, May 15, 1699. We were very uneasy under an arbitrary commission in the late King James' reign which gave the Governor the power of levying money without calling an Assembly, wherefore, and because of the dreadful violence we apprehended would be done to our conscience by a popish, arbitrary King, we freely and heartily threw off the yoke of popish tyranny. Never a Revolution was carried on and managed with more moderation. The execution of Capt. Leisler and Mr. Milborn was barbarous. Then Richard Ingoldsby, a hot headed inconsiderate person, a simple Captain of Foot, was made a Commander-in-Chief. Col. Fletcher coming made his government an entire mass of corruption by encouraging piracy etc. Taking into consideration what was done by Parliament in reversing the attainders of Captain Leisler and others, we now beg the extension of the royal bounty and favour of the families of Leisler and Milborne and the payment of £2,700 to them for what was expended in the late happy Revolution. And for the better administration of Justice, that two or three able Judges may be sent from England and two or three counsel, who have acquired to that noble profession by study, not by usurpations, for the maintenance whereof we shall not be wanting. And that Col. Fletcher's coat of arms be pulled down from the King's chapel in the fort, especially since his birth was so mean and obscure that he was not entitled to bear a coat of arms. *Signed,* Abrah. Gouverneur, Speaker. *Endorsed as preceding.* 1 *large p.*

317. XI. Copy of Lord Bellomont's speech upon proroguing the Assembly, May 16, 1699. *Endorsed as preceding.* ¾ *p.* [*Board of Trade.* New York, 8A. *Nos.* 23, 23I.-23XI.; *and* 53. *pp.* 376-390; *and* (*abstract*) 45. *pp.* 42-45.]

April 27. **318.** Journal of Council of Trade and Plantations. Papers concerning Capt. Evans returned to Mr. Weaver to lay before the Lords of the Admiralty.

Three representations signed. Orders of Council, March 16, upon the representation about Col. Fletcher's musters, and April 20, upon that relating to Col. Codrington's Commission read. Col. Codrington's Instructions considered. Mr. Cary desired to note the names of the Members of Council in the Instructions of Col. Codrington, deceased, who are dead or have been removed, and to give a further list of names with characters of persons fitted to fill up the vacancies.

April 28. Sir William Waller and others presented the agreement between Charles II. and the Duke of Courland about Tobago, and promised other papers.

The Secretary ordered to acquaint the Agents with their design of settling there.

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Lists of those named for the Council by Col. Codrington, 1697, and for St. Christopher's in Sir Nathaniel Johnson's Instructions, ordered to be sent to Mr. Cary for his observations.

Col. Codrington attended and agreed to what their Lordships had thought fit in order to the terminating of differences between him and Mr. Lucas.

Mr. Lloyd granted a copy of the minute of Council of Jamaica, June 6, 1694.

Letter from the Victuallers of the Navy read and answered.

Ap. 27-28. Letter to Mr. Poultney about the gunners at Newfoundland ordered. [*Board of Trade.* Journal, 12. *pp.* 17-21; *and* 96. *Nos.* 68-69.]

April 27. James City. **319**. Journal of General Assembly of Virginia. Benjamin Harrison having been appointed by the Governor Clerk of the General Assembly took the oath appointed. He was sent to summon all the gentlemen of the House of Burgesses to attend H.E. and Council immediately in the Great Hall, which owing to the late unhappy fire is where the Council will now sit. The Burgesses attended. H.E. told them he had appointed a house for their sittings, Members of Council to administer the oaths to them, and William Randolph to be Clerk of the House of Burgesses.

April 28. The Burgesses were summoned from their house and attended. The Governor delivered his speech, directing them to choose a Speaker.

April 29. The Burgesses not yet having chosen a Speaker, the Clerk of the General Assembly was sent to them directing them to do so forthwith. They replied that they were equally divided between two candidates on the vote for a Speaker, and could not therefore choose one till the rest of the members of their House came to town. H.E. commanded their immediate attendance and desired their company on Monday at the College of William and Mary in Virginia, recommending them to adjourn accordingly. [*Board of Trade.* Virginia, 52. *pp.* 70-75.]

Ap. 27. James City. Ap. 28, 29. **320**. Journal of House of Burgesses of Virginia. Forty burgesses and William Randolph, Clerk of the House, took the oaths appointed. *See abstract of Journal of General Assembly.* [*Board of Trade.* Virginia, 52. *pp.* 346-348.]

April 28. **321**. William Popple to Commissioners for Victualling H.M. Navy. In reply to your letter of the 15th to the Treasury, (1) The provisions sent to the soldiers at Newfoundland last year were to be distributed at short allowances, and the same is intended for those to be sent this and the succeeding years. (2) The number of men to be provided for is sixty-one. (3) The ten recruits may have such allowance as is usually given to passengers on the King's account. [*Board of Trade.* Newfoundland, 25. *p.* 301.]

April 28. Whitehall. **322**. William Popple to John Pulteney. Great complaints having been made of the sufferings of the gunners in Newfoundland the last year for want of provisions or money to buy them, care is taken that provisions be sent and distributed to them this year as to the soldiers; therefore it may be fit that the officers

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of the Ordnance make deduction of 6*d*. per diem out of each of the said gunners' pay, to satisfy the Victuallers of the Navy who send those provisions. [*Board of Trade*. Newfoundland, 25. *pp*. 301, 302.]

April 29. **323**. T. Weaver to Mr. Popple. In answer to your letter of the 27th inst. in relation to Capt. Evans, please acquaint their Lordships that the papers came but lately to my hands, after his ship is laid up, his pay received and he out of the service, and thereby he is become less liable to the censure of the Lords of the Admiralty. Besides, a prosecution against him would be considerably chargeable to Lord Bellomont, who cannot as yet receive money due to him from the Treasury to defray the expenses he hath already been at and to support other prosecutions. I thought it proper to lay the papers before their Lordships, because they give some light into the maladministrations of the late Governor of New York, and their Lordships may be truly possessed how far to give credit to anything Capt. Evans may offer against Lord Bellomont. *Signed*, T. Weaver. *Endorsed*, Recd. Read, May 2, 1699. 1 *p*. [*Board of Trade*. New York, 8 A. *No*. 25.]

April 29.
Victualling Office.

324. Victuallers of the Navy to Mr. Popple. We have received yours of 28th and an order from the Admiralty of the 26th requiring us to provide and send for Newfoundland with H.M.S. *Hampshire* such a quantity of provisions of proper species as may be sufficient for one whole year for sixty-one soldiers now at that place, and to solicit the Treasury for money for the same and to take care that the provisions now ordered be furnished after the rate of 6*d*. per diem per man, the prime cost. We send you copies of two letters we wrote to the Admiralty upon this occasion. We suppose that it is intended we should freight some merchantman to carry the provisions as we did last year, and that the cost of freight, cash, baggs and all charges over and above the prime cost should be paid by His Majesty as before. In the Navy Board's order to us there is no mention of the ten recruits. It is requisite we should have an order for their victualling, and in what manner they are to be victualled in their passage, unless it is intended that they should take their passage on the *Hampshire* and be victualled with the seamen there. The ship that is to carry the provisions to Newfoundland, the Master will not oblige himself to attend the man-of-war unless he sails at the same time with him. *Signed*, Tho. Papillon, Simon Mayne, J. Burrington. *Endorsed*, Recd. April 29. Read May 2, 1699. *Enclosed*,

324. I. Victuallers of the Navy to the Admiralty. Provisions are dearer than last year, but as we shall this year not have to send a copper furnace and mills as last year, we hope that at the prime cost they may come to stand at but about 6*d*. per man per day. Besides the prime cost of the provisions which the last year came £557 13*s*. 10*d*., which was but £2 11*s*. 0*d*. above 6*d*. per man per diem, there was the charges of casks, iron hoops, freight etc. amounting to £170 3*s*. 11*d*. *Copy*.

324. II. Victuallers of the Navy to the Admiralty. We have been treating with a Master of a Ship bound for

Newfoundland to carry the provisions, and the lowest price we can reduce him to is twenty shillings per tun, which we think is a moderate price, but he will by no means be obliged to attend the *Hampshire* unless she sails at the time he is obliged to sail, which by charter party he is obliged to sail from the River by May 20. *Copy.* [*Board of Trade.* Newfoundland, 3. *Nos.* 142, 142 I.; *and* (*without enclosures*) 25. *pp.* 305, 306.]

April 30. Whitehall. **325.** Mr. Secretary Vernon to Council of Trade and Plantations, referring the petition of Edward Jones to the consideration of the Board. *Annexed,*

325. I. Petition of Edward Jones to the King. John Dudgeon, lately appointed Secretary of Bermuda, doubts whether he may be able to execute the office owing to infirmity, and is willing to surrender it to me. Two former Secretaries held also the post of Provost Marshal. I beg to be appointed Secretary and Provost Marshal. 1 *p.* *Endorsed,* Recd. Read 3 May, 1699. *Annexed,*

325. II. Certificate of several gentlemen that Edward Jones is duly qualified to execute the offices of Secretary and Provost Marshal of Bermuda. 28 April, 1699. *Twenty signatures.* 1 *p.* [*Board of Trade.* Bermuda, 3. *Nos.* 34, 34 I.; *and* (*without enclosures*), 29. *pp.* 129, 130.]

May 1. Bermuda. **326.** Edward Randolph to Council of Trade and Plantations. I left Carolina (of which I gave an account in my letter of March 16) on March 27 and arrived here on April 4. I waited on Governor Day soon after my landing. He made a severe complaint against Samuel Trott, the present Collector, and pressed me to turn him out forthwith. I find that the cause why the Governors successively imprison him is that, all them being traders, they could not carry on their designs unless they were secure in a Naval Officer and Collector. I have found no cause to suspend Mr. Trott.

These islands were from their first discovery under the direction of a company, as Carolina. They sent them a Governor from England or sometimes appointed one upon the place. The inhabitants finding their Governors to exercise great severity upon them, taking from them their estates without judges or jury, prayed Charles II. to be taken under the immediate government of the Crown. Upon full proof, their Charter was vacated and the King appointed Sir Robert Robinson Governor, and gave him an honourable maintenance, but not content, [he] tried all ways by sea or otherwise to get an estate. He made his own officers; Richard Ashworth, his cook-maid's brother, was his Naval Officer, Sir Robert traded in his name, and though Mr. Trott was Collector by deputation from the Custom-house, yet Sir Robert turned him out and imprisoned him for his pleasure and made Thomas Burton, a stranger of no estate, Collector, saying the Commissioners of Customs have no power to appoint an officer when the King has sent his Governor. Mr. Richier succeeded him. He built a sloop with the King's timber, and sold half to Devereux, a Scotchman, and for the grace of the matter gave him the title of Colonel with a commission to apprehend all sea-rovers. I found by the Collector's books in Maryland that Devereux took 80 hogsheads of tobacco aboard and carried it to Glascow, whence he imported a great cargo of Scotch manufacture. Mr. Trott seized and prosecuted vessel and loading, having the plainest evidence against her, but Richier prevailed with the judge—of his own appointment—to clear them and to give costs and damages against Mr. Trott. He is imprisoned about half a year. Groves, a broken merchant, was put in his place, and Capt. Hall of H.M.S. *Rebecca* ordered not to assist the collector. This occasioned his removal, and Col. Goddard succeeded him in his government and way of trade, which he could not well drive on so long as Mr. Trott was collector. He made his nephew Brooks Naval Officer, and displaced Trott by his nonsensical and arbitrary warrant, and placed him in his office. Brooks was made Secretary also; he traded to Curaçao for him. Contrary to H.M. Instructions about choosing the Members of his Council etc. from "not necessitous people or much in debt," he made Gilbert Nelson, who confessed he owed £13,000 in London, and a man of no faith, to be of his Council and Chief Judge. Uneasy at this the inhabitants intended to prosecute him before H.M. in Council, but hearing he was out of the Government, applied to Governor Day for redress. He at first smoothed the matter till he had wheedled them out of £300. He promised those whom he had vexatiously and most unjustly oppressed that he would see they should have the benefit of the law against him, and encouraged Trott to bring his action against him for £500 for false imprisonment and against Nellson for refusing to grant a writ of Habeas Corpus. He cast Nellson and had judgment against him for £500. He had arrested Goddard by the Governor's allowance, but granted an injunction out of Chancery to stop all proceedings. He would suffer no man to arrest him for their just debts, but guarded him till he was got aboard. Col. Goddard has made Stephen Crow, formerly his groom, his sheriff. He had a great deal of the public money and papers in his hands. He gave no security for his office, he was not to be arrested; but is gone to England, so that their creditors are left without hopes of recovering their debts, and because they endeavoured to get their own, he with the former Governor have by their interest at Court obtained a credit against the oppressed inhabitants, who are all looked upon to be rogues. Governor Day after he had made sure of his £300, turned out Capt. Walker, Col. Anthony White and Capt. Harford from the Council, continued Nelson and Outerbridge, and chose John Brooks, a broken scrivener in London, who came over a covenant servant about two years ago, who are true to his interest, right or wrong. Nelson declared in Council that the Governor could make a decree in Chancery without the assent of any of the Council, who are masters in Chancery also. 'Tis pleasant to see him keep one Daniel Smith (who, being in a vessel ready to founder, was saved by Avery and acquitted at Providence) a close prisoner, and make Outerbridge one of his Council, who was part owner of the *Amity Thomas*, Tue (*Tew*) master, and was at charge to set her out to the Red Sea. He received about £540 left by Tue in Boston for his share. Smith has petitioned to be sent to England or tried here, but he has land worth 4 or £500, and Nelson and his Sheriff must first bleed him well. I have little conversation with him [Day] but find him a man loden with pride and vanity; more fit for a Bashaw than a Governor.

There was in the magazine when he arrived about 40 barrels of powder. He has squandered away a great part of it by his unnecessary salutes. He commanded his Captain of the Castle to salute him with 7 guns whenever he crossed the harbour, etc. Col. White remonstrated and pointed out the danger of running short, whereupon the Governor sought all occasions to make him an example for his sauciness. The last sessions of Assembly depositions were taken that proved Nelson guilty of bribery as a judge. The Governor hearing of it adjourned them. At their next meeting having more evidence intended to have him prosecuted the next Court of Assizes, but the Governor prorogued them and would force the Assembly papers out of their hands. Some time after it was contrived by Nelson and one Crane (not worth a groat) the sheriff, that Col. White must be charged with speaking ill words against the Government. The Governor grants his warrant to Crane to fetch him before him and break open his doors if he could not readily find him. Crane with five or six men broke open the doors; and next Sunday the Governor issued the enclosed proclamation. White rendered himself and the Governor committed him to gaol by his own warrant: he was forced to serve Nelson with a writ of Habeas Corpus. Nelson by the Governor's directions would accept no bail unless Mr. Dickenson, Col. White's son-in-law, would be one of the securities, on purpose to prevent his going to England to represent their arbitrary proceedings. Col. White having given security, the sheriff demanded twenty pieces of eight for his fee, two pieces are his due by law, and kept him above 48 hours without meat or drink, and threatened to keep him in prison till he was paid, but would not let him have a copy of the Governor's warrant, neither would Nelson, the Chief Judge, take his deposition that Crane had refused him a copy.

These Governors are the aggressors upon H.M. subjects, who, if they complain, are represented to be the opposers of H.M. Government. Sir Robt. Robinson caused the vessels fitted out to the wreck to stay three weeks or a month at great charge in the harbors, till they had given him security to let him have a large share at their return: and then sent men on board who would not let them have their parts after they had paid H.M. tenths and what they were obliged to let him have. Mr. Richier erected a Court-Martial in time of peace, and charged some of the chief inhabitants with treason and would have hanged them. Col. Goddard made his confidents, though not worth a farthing, his prime ministers and officers of trust. They squeezed the poor inhabitants, but gave no security for their places, and run away with their money.

The present want of ammunition may prove the loss of this country: if the French should surprise it, it will ruin utterly the whole trade of England to and from the Sugar Plantations. Ships homeward bound must get into Lat. 29 before they meet with a

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westerly wind. The French with a small fleet of nimble vessels will take them all, and putting a strong garrison into St. Augustine not tenable by the Spaniards, they will have a good harbour to receive vessels of 30 or 40 guns, and so shut the English out of all their West India trade. I cannot send depositions, for the Governor will not let any be taken till he has consulted upon it. I am obliged to stay here till I can get a passage to Providence. I am indisposed, not finding agreeable diet or drink. I have not been accustomed to rum. *Signed*, Ed. Randolph. Please to excuse the writing, the matter is too true. *Endorsed*, Recd. June 10. Read July 4, 1699. *Copy.* 3½ *pp.*, with abstract 2 *pp.* *Enclosed*,

326. I. Copy of Sir Robt. Robinson's warrant to William Jones to imprison Samuel Trott. 1 *small p.* *Endorsed*, Read July 4, 1699.

326. II. Copy of Governor Isaac Richier's order to Capt. Hall not to assist Trott, the Collector. 1 *p.* *Same endorsement.*

326. III. Copy of Col. Goddard's appointment of Thomas Brooke, Collector. 1 *p.* *Same endorsement.*

326. IV. Copy of Proclamation for the arrest of Col. White. 1 *p.* *Same endorsement.*

326. V. Copy of warrant for imprisonment of Col. White. April 18, 1699. 1 *p.* *Same endorsement.*

326. VI. Certificate that Col. Anthony White was sworn a member of Council. Aug. 17, 1698. *Signed*, Charles Minors, Secretary. ½ *p.* *Same endorsement.* [*Board of Trade.* Bermuda, 3. *Nos.* 35, 35 I.-35 VI.; *and* (*without enclosures*) 29. *pp.* 149-159.]

May 1. **327.** Minutes of Council of New York in Assembly. Bill for settling the estate of Jacob Milburne read the second time and committed. The discharge of the Government's debts recommended to the consideration of the House of Representatives. The Attorney General declared that the Council in Assembly had power to determine causes of Law and Equity. Committee appointed to draw up a scheme of fees for the Collector and Naval Officer.

May 2. The scheme was approved. The Milburne Bill was read a third time and passed. Upon consideration of the address of the House of Representatives with the petitions of Jacob Leisler, Gerbrant Claese and Robert and Anne Evernden, it was resolved that this House intermeddles not where matters have not been tried in Courts of Law or Equity.

May 3. Col. Abraham Depeyster's complaint about the *Fortune* recommended to the House of Representatives.

May 4. Bills for defraying the debts of the Government; for preventing frauds and embezzlement of drift whales, &c.; for preventing trespasses; and for granting £1,500 to the Governor and £500 to John Nanfan, L.G., sent up, read the first and second time and committed.

Mr. Livingston's petition referred to the Assembly. [*Board of Trade.* New York, 72. *pp.* 787-792.]

May 2.
Whitehall.
328. Mr. Secretary Vernon to Council of Trade and Plantations. The four companies at New York being reduced to

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about half their established number and there being no provision made for recruiting them to their full complement of 100 men each, His Majesty hath thought fit to establish them at 200 men, viz., the said four companies to consist of 50 men each. I enclose papers from Sir Lambert Blackwell about the fish trade in the Mediterranean and the answer of the Admiralty to your representation about adding another frigate to attend Barbadoes. *Signed*, Ja. Vernon. [*Board of Trade.* Trade Papers, 14. *pp.* 255-257; *and* New York, 53. *p.* 296.]

329. Memorandum of above letter. Recd. May 3. Read May 4, 1699. ½ *p.* [*Board of Trade.* New York, 8A. *No.* 27.]

May 2. **330**. Memorandum of above letter. *Endorsed*, Recd. May 3rd, Read 4th May, 1699. *Enclosed*,

April 27. 330. I. Extract of a letter (Ap. 27) from the Lords Commissioners of the Admiralty to Mr. Secretary Vernon. As to what is desired by the Governor of Barbados and proposed by the Lords of the Council of Trade, viz. the sending two fifth rates to attend on that island, we desire that you will represent to his Majesty that at this time the greater part of the ships in pay are abroad and that in our humble opinion one ship of the fifth rate is sufficient for the service of the said island. And so soon as it can conveniently be done the ship that is now there shall be relieved by one reputed a better sailer. *Same endorsement.* 2 *pp.* [*Board of Trade.* Barbados, 7. *Nos.* 87, 87 I.; *and* 44. *p.* 256.]

May 2. **331**. Petition of Captain John Poyntz to the Council of Trade and Plantations that he may be heard in Council before a report is made about the settlement of Tobago. The Petitioner claims to hold a grant from the Duke of Courland for the greater part of the island, and to have developed the planting and settling of the island in spite of heavy losses during the late war. Sir William Waller and his associates have no title or interest in the island. *Signed*, John Poyntz. *Endorsed*, Read May 10, 1699. 1 *p.* [*Board of Trade.* Barbados, 7. *No.* 88; *and* 44, *p.* 261.]

May 2.
Bermuda. **332**. Edward Randolph to William Popple. I have written to the Board. There have been successively four Governors here who have been very careful to oppress the inhabitants. I only find one good thing done by any of them—the passing of the Act for Habeas Corpus by Col. Goddard, but he had 300*l.* for it and was the first that broke it. I beg their Lordships will give no credit to what he or Governor Day writes till they have heard some of the chief upon the place. *Signed*, E. Randolph. *Endorsed*, Recd. June 10. Read July 4, 1699. *Holograph*, 1 *p.* [*Board of Trade.* Bermuda, 3. *No.* 36; *and* 29. *pp.* 159, 160.]

May 2. **333**. Wm. Thornburgh to William Popple. At a Board of the Lords Proprietors of the Bahama Islands held last night I laid before their Lordships your letter with the enclosed complaint of the Dutch Ambassador. They ordered a copy to be delivered to

Mr. Trott, and that he appear at the Board on Monday the 8th and deliver his answer in writing. A copy will be transmitted to you. *Signed*, Wm. Thornburgh. *Endorsed*, Recd. Read May 3, 1699. [*Board of Trade.* Proprieties, 3. *No.* 12.]

May 2. **334.** Minutes of Council of Virginia. His Majesty having been pleased to cause a new seal to be made for his Colony and Dominion, the old seals ordered to be brought and publicly broken. The Governor communicated a letter from the Hon. Thomas Harvey, Dep. Governor of North Carolina, March 16, 1698(9), announcing that he had appointed Daniell Akehurst and Capt. Henderson Walker to wait upon him with their Charter in order to settling the bounds between the two Governments. Messrs. Akehurst and Walker had arrived in James City. It was resolved that before any proceedings were entered into with them, it was first necessary to enquire how they were empowered to treat and whether their Governor was approved by His Majesty and had taken the oaths appointed. And in order to exhibit the Governor's Letters Patents they were desired to attend the Council Chamber that afternoon. A proclamation ordered forbidding all correspondence with the Scotch in the West Indies. The minutes entered in a different hand were announced to be done by Mr. William Beverley. The Governor showed his Commission to the Commissioners from North Carolina, and they produced theirs from Mr. Harvey. They said that Mr. Harvey was not approved by the King as the Act directed, whereupon the Council, considering that he could not therefore give sufficient power to any persons to act under him in that affair, resolved not to proceed with it, but that the Government of Carolina be desired to procure instructions from England for settling the boundaries, and that Commissioners be desired to have the Charter of the Proprietors of North Carolina recorded in Virginia, to which they consented. A letter to the Deputy Governor of North Carolina, acquainting him with these proceedings and the reasons for them, ordered.

May 3. Charles Scarborough was sworn a member. Aaron Whitsun, master of the *Integrity*, complaining of injuries done him by Peter Hayman, Collector and Naval Officer, and John Hanley complaining of injuries done to him by Sampson Dorrell, were referred to trial at Common Law. John Hanley claiming £44 17*s.* for a platform constructed by him at Tindall's Point under an agreement with Sir Edmund Andros, Edmund Jennings and Matthew Page were ordered to view the platform and report to Mr. Auditor Byrd, who was ordered to adjust Hanley's account. The claim of Richard Dunbar, Gunner at Tindal's Point, referred to the Auditor. George Turner's petition for lands in New Kent County lodged in the Secretary's office. [*Board of Trade.* Virginia, 53. *pp.* 240-245.]

May 2. **335.** Journal of Council of Trade and Plantations. Letters from Mr. Weaver read. The papers he required ordered to be given him.

Order of Council, Ap. 27, about Col. Codrington's Commission read, and an Instruction ordered accordingly.

Order of Council of Ap. 27 about constituting Mr. Chilton Attorney General in Barbadoes read.

Three Orders of Council of April 27 concerning Newfoundland read and ordered to be communicated to Mr. Thurston.

Col. Codrington and Mr. Lucas attended. Mr. Lucas declared that finding it is the opinion of their Lordships that the letter to Admiral Nevil concerning the late Col. Codrington is writ in an unfit and undecent stile, he acknowledged his error in having used divers passionate expressions reflecting upon the honour of the said Governor.

Col. Codrington promised in the future to live with him in all manner of fairness and friendship, and signed, sealed and delivered to him a warrant to two persons to acknowledge satisfaction upon the judgment obtained against him, as also a general release.

Order of Council of Ap. 27 *re* Rhode Island read and a letter to the Governor ordered accordingly.

May 3. Letter from the Victuallers' Office read and answered.

Letter from Mr. Thornburgh promising Mr. Trott's reply read.

Representation according to the petition of Edward Jones for the places of Secretary and Provost Marshal in the Bermuda Islands ordered.

May 4. Letter to the Government of Rhode Island signed.

Letter from Mr. Secretary Vernon, May 2, read and enquiry as to the establishment of the forces at New York ordered to be made of Mr. Weaver.

Representations about Mr. Edward Jones and Mr. Lucas signed.

May 5. Col. Codrington's Instructions considered.

Order of Council about Pirates on the coast of Africa read.

Mr. Cole, Mr. Merret and others to whom the matter of the Duke of Tuscany's prohibition of ill-conditioned fish into his dominions had been referred by the Board attended and said that they had not heard of any complaints made in the streights of the ill-curing of Newfoundland fish, but think that if there have been any fault of that kind, it has happened not from the quality of the salt but from the negligence of the men, who, through haste of finishing their voyages and getting first to a market, do sometimes take their fish out of the press-pile and ship it away before it be put into the dry-pile, where it ought to lie three or four days. They believed that the Duke of Tuscany's proclamation may have rather proceeded from the ill quality of herrings than of Newfoundland fish, and named Mr. Edward Gold, Mr. Charles Ball, Mr. Charles Henshaw as persons proper to inform the Board in that matter. They and Mr. Lockely were desired to attend the Board on Tuesday.

The Secretary ordered to write to the Attorney General for a speedy dispatch of his report on the Barbadoes' Acts or to send them for a particular occasion, to be returned to him.

Col. Codrington's Instructions considered. [*Board of Trade.* Journal, 12. *pp.* 21-30; *and* 96. *Nos.* 70-73.]

May 2. **336.** Journal of General Assembly of Virginia. The Burgesses having chosen a Speaker prayed leave to present him. Being ordered to attend they presented Mr. Robert Carter, who was approved, and claimed the privileges of the House, which were granted. The Governor delivered his speech, referring to the day of public rejoicing on May Day at the Peace, which they

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had solemnised at the Royal College of William and Mary, and then reading his Commission. He gave some of the Lords Justices' instructions to the Speaker and a letter from the Council of Trade about an Act being passed concerning privateers and pirates. He recommended the speedy building of a larger and more convenient House in the place of that burnt the last fall, and the amendment of the law about the militia. He announced that he would send for their consideration several letters, etc., he had received concerning the Rangers, the Indians and their trade, and recommended to them the Lords Justices' instructions about restraining immorality.

May 3. Upon a message from the Burgesses, a copy of H.E.'s speech was sent to them, with instructions from the Lords Justices. [*Cal.* 1698, *No.* 819.]

May 4 & 5. The grievances of the inhabitants of the upper parts of York County were read and referred to the Burgesses, as also the consideration of the equal regulation and division of counties and parishes. The Burgesses applied for several new writs. A Committee of both Houses was appointed to settle the controversies arising from claims to lands in Pomunkey Neck and on the south side of the Blackwater Swamp, and to consider the most proper means to settle the Northern and Southern bounds of the Colony. [*Board of Trade.* Virginia, 52. *pp.* 75-83.]

May 2. **337.** Journal of House of Burgesses of Virginia. Mr. Robert Carter chosen Speaker. (*See preceding abstract.*) The Clerk's commission was read and he was ordered to receive the Records of the House, which he did. A Committee for Elections and Privileges—Mr. John Custis, chairman, Messrs. Barrett, Ransone, Corbin, Coltson—appointed, and Mr. Miles Cary, junr., appointed Clerk. The Committee to examine returns upon Elections. Richard Morris, John Remington, Wm. Drew and John Hixfor appointed Doorkeepers. The Orders of the last House were read, approved and continued. Ordered, that the House be called over as often as thought convenient and members wanting in their duty be liable to the censure of the House. Ordered, that fifteen members with the Speaker be a sufficient number to adjourn. Commission appointing John Chiles King's Messenger to attend the House of Burgesses read.

May 3. Petitions concerning the undue elections of Mr. Fowler, Burgess for James City and Mr. Anthony Armistead for Elizabeth City, referred to the Committee for Elections. (*And see preceding abstract*
May 4. *under date.*) Resolutions passed upon the reports of the Committee of Elections. Applications for new writs ordered. A Committee for Public Claims (Mr. Cary, secretary), and a Committee for Propositions and Grievances (Mr. Bartholomew Fowler, secretary) appointed. All such claims and grievances to be brought in to
May 5. the House by May 11th. The Clerks of the Committees ordered to take the Oaths appointed before entering into their offices. (*And see preceding abstract.*) Grievances of various counties were read and referred to Committee. [*Board of Trade.* Virginia, 52. *pp.* 348-370.]

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338. Mr. Secretary Vernon to the Council of Trade and Plantations. I enclose copies of letters and papers from Sir Lambert Blackwell, relating to the prejudice like to befall our fish trade in the Mediterranean, if more care be not taken to carry fish thither better salted and cured.

Memorandum of above letters. Recd. May 3, Read May 4, 1699. *Enclosed*,

338. i. Sir Lambert Blackwell, H.M. Envoy at Florence, to Mr. Secretary Vernon. I enclose the Duke of Mantua's reply to my letter which accuses receipt of that from His Majesty. Last week was published here by order of the Great Duke a proclamation which proves very prejudicial to the sale of all English salt fish. The Factory made their complaints to me and I have procured the best interpretation of it in favour of the English. *Signed*, Lambt. Blackwell, Leghorn. Ap. 13, 1699. 1¼ *pp.* *Same endorsement*. *Enclosed*,

338. ii. Translation of the Duke of Tuscany's Proclamation prohibiting the sale of ill-conditioned fish in his Dominions, on pain of fines, confiscation and corporal punishment. 1½ *pp.* *Same endorsement.*

338. iii. Translation of a letter from the Governor of Leghorn to Sir Lambert Blackwell, Ap. 13, 1699.

The order of the Great Duke is not directed against the English merchants but to the preservation of his subjects' health by prohibiting the sale of any ill-conditioned salt fish. 1¼ *pp.* *Same endorsement.* [*Board of Trade.* Newfoundland, 3. *Nos.* 144, 144 i.-iii. ; *and* 25. *pp.* 308-310.]

May 3.
Whitehall.

339. William Popple to Victuallers of the Navy. There is no objection to what you propose in your letter of April 29. It is not necessary to send provisions for the ten recruits because it is probable the number of soldiers will be diminished at least so many either by death or desertions. The ten men in their passage may very well be victualled with the seamen as you propose. [*Board of Trade.* Newfoundland, 25. *p.* 307.]

May 3.
St. Christopher's.

340. Lt.-Gov. James Norton to Council of Trade and Plantations. As I was not upon the island at the time the French Ambassador pretends some spoils to have been done by His Majesty's subjects upon the French part of the island after their having notice of the conclusion of peace, I am obliged to refer your Lordships to the reply of His Majesty's Council here (*No.* 282). I enclose a petition to His Most Sacred Majesty with a memorandum of the want of stores for this island. Since my coming here to my government there has been no manner of spoils or depredations upon the French part. *Signed*, James Norton. *Endorsed*, Recd. June 26. Read Sept. 21, 1699. *Enclosed*,

340. i. Petition of the L.-G., Council and Assembly of St. Christopher's to the King. We, your Majesty's most dutiful, loyal and obedient subjects, return our sincere and hearty thanks to Almighty God for the blessings of a glorious peace established by your Majesty's most

sublime wisdom and courage, the happy influence whereof we now enjoy, etc. And whereas your Majesty hath been graciously pleased to send a regiment of soldiers under the command of Col. Francis Collingwood to these your Majesty's islands, thereby giving a full and clear demonstration of your Majesty's tender regard for our safety, it inspires us with a boldness humbly to present the necessities the late war has reduced us to; having expended a great part of that remnant we preserved from the hands of the enemy in opposing their attempts and designs, who daily watched to deprive your Majesty of your just right in this island by our destruction. We therefore in all humility implore your Most Sacred Majesty's clemency in granting us your royal concessions for the suspension of your Majesty's duties of the four and half *per cent.* and the enumerated for a few years, whereby we may be enabled to recover a competency for the support of our families; and the liberty of humbly presenting to your Majesty's consideration a memorial of those wants of stores which our present extremities renders us uncapable of furnishing ourselves with for your Majesty's fortifications. *Signed*, James Norton, William Willett, Henry Burrell, Mich. Lambert, John Garnett (Council); Jed. Hutchinson (Speaker); Saml. Creek, Panton, Jon. Pogson, Thomas Bisse, Rowland Davis, Bastian Branch, James Biskett, John Moorhous (Assembly). *Copy. Endorsed*, Recd. June 26, Read Sept. 21, 1699. 2¾ *pp.*

340. II. Memorandum of wants of (military) stores. 1 *p.* *Endorsed as above.* [*Board of Trade.* Leeward Islands, 6. *Nos.* 18, 18 I.-II.; *and* 45. *pp.* 403-404, 409.]

May 3. Whitehall. **341.** Council of Trade and Plantations to the Governor and Company of H.M. Colony of Rhoad Island and Providence Plantation. We enclose H.M. order of April 27, on our representation relating to the petition of Francis Brinley. His Majesty expects your speedy and punctual obedience. *Signed*, J. Bridgewater, Tankerville, Ph. Meadows, Wm. Blathwayt, Jno. Pollexfen, Abr. Hill. [*Board of Trade.* Proprieties, 25. *p.* 413.]

May 3. **342.** Board of Ordnance to the Council of Trade and Plantations. In answer to yours of April 26 we have laid before the Treasury the particulars relating to Newfoundland, and desired their directions if they shall think the money appropriated by Parliament may be made use of for that service. Care is taken for stopping 6*d. per diem* out of the pay of each gunner there belonging to this office from Aug. 31 last for provisions. *Signed*, C. Musgrave, Ja. Lowther, Wm. Boulter, Jo. Charltonil. *Endorsed*, Recd. May 6. Read May 10, 1699. 1 *p.* [*Board of Trade.* Newfoundland, 3. *No.* 143; *and* 25. *p.* 311.]

May 3. New York. **343.** Governor the Earl of Bellomont to Council of Trade and Plantations. I presume you will have a full account from

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Boston of a parcel of pirates lately taken there, with their ringleader, Joseph Bradish, born at Cambridge near Boston. They ran away with the *Adventure*, and sank her between Nassau and Block Island. I had no notice till a week after that and could have done nothing towards seizing the ship or men without a man-of-war, which the Lords of the Admiralty seem to think these provinces unworthy of. I send depositions concerning the pirate ship. The bag of jewels mentioned in Peirson's deposition were opened before myself and the Council, where I had ordered a Jew in this town to be present, he understanding jewels well. At first sight we thought there had been £10,000 worth, but we soon found they were counterfeit. I seized three men in this town who I had noticed were come from Block Island and had concealed some of those pirates' money, and I secured them here till I gave the Governor of Rhode Island notice where the money was concealed, which I hear he has since secured, Block Island being in his government. That money I understand is near £1,000. Ten or eleven of the pirates are seized at New London by Col. Winthrop, Gov. of Connecticut, and £1,800 in money. At Boston they have taken 15 or 16 and 5 or £6,000. The Governor of Rhode Island is said to have seized another parcel of money, so that there may be in the whole near £10,000 secured for the owners in England, who, I hear, are Sir Joseph Herne, Mr. Sheppard, and Mr. Heathcote. What I have received from Peirson is lodged with Col. Courtland the Collector, and shall be forthcoming to the owners upon your Lordships' order or such other authority as I can be secure in. Lt.-Col. Peirson came frankly and voluntarily to me and owned Bradish had been at his house and left some bags of money with him and a bag of jewels. He has a fair character and is a man of substance and member of the present Assembly. I frightened him by telling him he would stand in need of the King's mercy, for that by the Statute 28 of Henry VIII. he was equally guilty with Bradish. I hope your Lordships will obtain the King's leave for me to pardon him, which I will not do without your leave, though you write (Oct. 25) that I have a power by my commission to pardon pirates. I assure you I do not intercede for him upon the score of a reward. Five or six of the men that ran away with this ship under Bradish are some of Col. Fletcher's pirates that went out with Tew and other pirates commissioned by Fletcher. Two or three of 'em have wives in this town and were actually, as I have been informed, in town. I laid out for 'em, but they are too well befriended to be given up to justice and I am apt to believe they are still here. I send the deposition of Daniel Scrogham about a pirate ship at Saltertudos that robbed several ships there, and the memorial of John Clotworthy, master of a sloop that came hither from Jamaica. Hyne the Pyrat he informs of is a bloody villain, has murthered several men, and will give no quarter, they say, to Spaniards that he takes. He belongs to this town, his wife and family now here. He was master's mate of the *Fortune*, which I seized at my first coming here, which had been also commissioned by Col. Fletcher. About three weeks since there came a ship within Sandy Hook, the mouth of this port, and lay at an anchor three days.

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The Custom House Officer sailed by her in a sloop and hailed her, asking whither she was bound; she answered to the Port of New York, but she never came hither, so that she is supposed to have been a pirate. She was of about 150 ton. We may be insulted here and the trade destroyed, if we cannot be allowed a ship of war. 'Tis reported here that several ships belonging to this and the other colonies to the number of four and twenty are taken by the Spaniards in the bay of Campechi, whither they went to take in logwood. 'Tis also said the Spaniards are provoked to it by the Scotch late settlement on Golden Island near Darien.

I formerly gave your Lordships to understand the badness of the forts of Albany and Schenectade. The Governor at Albany has sent me word the platforms are so rotten that he dare not fire a gun, and indeed those forts are so scandalous that I cannot give a low enough idea of them. They look more like pounds to impound cattle than forts. In my letter by Lt. Hunt I made bold to advise that the money Col. Fletcher should be found indebted to the King (which I was then and still am of opinion would upon a fair account prove to be 10 or £12,000 sterling) might be applied to the building of good stone forts at Albany and Schenectade and repairing this fort at New York, which will cost at least £1,000 more. 'Tis wonderful to me how Col. Fletcher could pretend to apply the greatest part of the 30 *per cent.* to the repairs of this fort and the Governor's House, when I found everything out of repair when I superseded him. The palisades of this fort are quite decayed, and a third part of them destroyed and wanting; one of the bastions cracked through, which will fall if not speedily rebuilt; the parapet gone to decay and must be renewed. The palisades, 'tis computed, will cost £600 at least, to be well done, and the bastion £200, and the parapet £200. The roof of the house too is out of repair, so that it rains in, and the lowest floor is decayed and rotten, so that I believe the repair of the house will cost near £200 more. The old part of the house is a comfortable, convenient dwelling enough and might have contented a Governor of much better quality than Col. Fletcher, and the new building will cost first and last about £5,000 N. York mony, so that 'tis plain here is so much mony consecrated to his vanity. Where all this mony will be got to build and repair forts I cannot tell, unless Fletcher be made to refund. The Assembly here I am almost certain will not be brought to raise it, for I cannot prevail with 'em by any means to consent to such an additional duty as will pay the debts of the Government, which amount to upwards of £5,000.

I intend pursuant to the orders of the Lords Justices (Nov. 10, '98) to endeavour to break the two excessive grants of land to Mr. Dellius, by Act of Assembly, and also Mr. Bayard's of 40 miles long, which comprehends part of the Mohacks land, and whereof they also complained to me at Albany, and also to break Capt. Evans's and the lease of the King's Farm to the Church and King's Garden to Col. Heathcote, all granted by Col. Fletcher most impudently and corruptly. These I believe I shall prevail to get a bill to pass for the breaking of, and I will have a

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clause or clauses to stand in the bill to disable me and all succeeding Governors from alienating or lessening the demesne of the King's Governor for the time being. When this is done and the before-mentioned grants are vacated there will remain these following extravagant grants, viz.: Col. Smith's, which Mr. Graham, the Attorney-General, assures me is 50 miles long and the whole breadth of Nassau Island, most of it granted by Col. Fletcher; Mr. Fred. Phillips' and his son Adolphus Phillips', two great tracts of land to Col. Courtland, one whereof is 20 miles square, as I am told, and the other not much less; Col. Beeckman's grant, Col. Peter Schuyler's, Mr. Livingston's and Mr. Renslaer's; all which comprise, I verily believe, full ¾ parts of this province, and are one with another, the two leases aforesaid excepted, 20 miles square by the nearest computation I can make; so that I appeal to your Lordships what care has been taken by Col. Fletcher of the interests of the Crown and this province. Neither do I find there is £5 *per annum* quit-rent reserved to the Crown upon all these vast grants put together, which is an insufferable fraud in Col. Fletcher. I observe in that clause of my Commission, which empowers my granting of lands and directs the reservation of a quit-rent, the words are [for what yearly quit-rent you shall think fit]; now the words, "you shall think fit," are very extensive words, and if I be a knave, I will fob the Crown off with a Racoon skin *per annum* out of 900,000 acres of land, and will [*think fit*] to compound with the grantee for a good fine to myself. These last-mentioned grants I have neither time nor strength to break at this time, but if you will send over a good Judge or two and a smart, active Attorney-General, I will God willing be back hither from Boston the latter end of this summer and will then have a session of Assembly, and will break all these extravagant grants and will settle such a scheme by Act of Assembly as shall tie up my own hands and those of all succeeding Governors, and all that whole matter shall be under such limitations and reservations as the Lords Justices have ordered. I beseech your Lordships to consider that in obeying your orders in vacating these grants—for I esteem them yours, since they were grounded on your representation—and all your other orders which tend to a reform of all abuses in this province, I draw on myself the most virulent odium of all parties concerned, which will multiply the clamours and complaints of theirs and the Marchands' Agents in London. Therefore I must beg your protection. I acquainted your Lordships formerly that the factions, marchands and others in this town had agreed in their Cabal that they would use a stratagem to get me recalled, which was this, they would write home by all opportunities to their agents in England to teize (*tease*) the ministers with complaints, that importunity might serve instead of argument. I was yesterday again informed the angry people here have sent a petition to their agent in England against me for disturbing their trade and several trivial articles not worth the naming to your Lordships, and that 'tis an agreed, resolved thing among 'em to multiply complaints against me by all conveyances to England.

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I made no alteration in the Commissions of the Peace or the Militia of the Provinces till the middle of this last winter, that I might try by all means to make those men whom Col. Fletcher left in power and office tractable to Government. But I found the more indulgent I was, the more insolent they and their party grew, and they began to interpret my moderation to be fear. Yet did I not make a total remove of them, but blended the parties, giving the balance a little to the Leisler side, as in justice and prudence I thought I was obliged to do, for the King's service; the angry party declaring openly against continuing the Revenue to the King, but the Leislerites warmly for it, who have been as good as their words. The country were very uneasy under the authority of Fletcher's officers, and I was mightily importuned to change them. As an instance of the people's aversion to their late officers, on Nov. 4 last I had the City Regiment drawn out among other respects to the King's Birthday. The regiment consisted that day but of 200 men, besides officers, and on the 13th of last Feb., the anniversary of the King's being proclaimed King, I had the Regiment drawn out under the new officers and they were then 500 men. I also have had 'em out on the 11th of Apr., the day of H.M. coronation. The officers I treat at my own charge, but the soldiers at the King's. I do not find Col. Fletcher left me a precedent for this, but I think it a useful piece of ceremony, because it helps to affect the people to the King and puts 'em in mind of their duty to him; for before they had no idea of anything greater upon earth than Col. Fletcher, and he seemed to be of that mind himself. *Signed*, Bellomont. *Endorsed*, Recd. Sept. 20, Read Dec. 8, 1699. 5 *pp*. *Enclosed*,

343. I. Abstract of preceding letter. ¼ *p*.

343. II. Abstract of preceding letter. 1¾ *pp*.

343. III. Deposition of Simon Bonan, a Jew, about the *Adventure* at Nassau Island. March 30, 1699. *Copy*. 1 *p*. *Endorsed*, Recd. Sept. 20, 1699.

343. IV. Deposition of Capt. Samuel Mulford, of East Hampton, Nassau Island. On March 20 Lt.-Col. Henry Peirson of Sagaponnock, Nassau Island, brought Bradish off from the *Adventure*, and Josiah Topping, of Sagaponnock told him that Bradish and Peirson went to that place together with a wallet of about the bulk of 1,000 pounds in silver. March 30, 1699. *Copy*. 1¾ *pp*. *Endorsed as preceding*.

343. V. Deposition of Cornelius Schellinx about the *Adventure*. *Dated and endorsed as preceding*. *Copy*. 1½ *pp*.

343. VI. Deposition of Lt.-Col Henry Peirson about the money and jewels Joseph Bradish left in his hands. April 11, 1689. *Copy*. 1½ *pp*. *Endorsed as preceding*.

343. VII. Account of the money left with Peirson. 1 *p*. *Endorsed as preceding*.

343. VIII. Inventory of the jewels left with Peirson. 1½ *pp*. *Endorsed as preceding*.

343. IX. Proclamation for the apprehension of Joseph Broadish and his crew. *Signed*, Bellomont. April 9, 1699. 1 *p*. *Copy*. Printed by William Bradford. *Endorsed as preceding*.

343. x. Deposition of Daniel Scrogham, master of the sloop, *Samuel and Susannah*, about a pirate that robbed several ships at Salt-Tertudos. April 12, 1699. *Copy.* 1 *p. Endorsed as preceding.*

343. xi. Deposition of John Clatworthy, master of the sloop *Mary*, about a bark belonging to Boston that had been robbed at Salt-Tertudos with 18 other ships by one Hine of New York, a pirate. May 1, 1699. *Copy.* ½ *p. Endorsed as preceding.* [*Board of Trade.* New York, 8A. *Nos.* 26, 26 I.-XI.; *and* 53. *pp.* 390-402; *and* (*abstract*) 45. *pp.* 45-48.]

May 4. Whitehall. **344.** Council of Trade and Plantations to the King. We are of opinion that your Majesty may be graciously pleased to remit unto Mr. John Lucas his fine of £100. Mr. Lucas has come to England in accordance with our representation to the Lords Justices. The occasion of his fine arose from some heats and animosities during the government of Col. Codrington, deceased. Mr. Lucas has made such acknowledgements of his disrespectful behaviour as that his son, Governor Codrington, has voluntarily discharged him from the judgment of £2,000. *Signed*, J. Bridgewater, Ph. Meadows, Wm. Blathwayt, Jno. Pollexfen, Abr. Hill. [*Board of Trade.* Leeward Islands, 45. *pp.* 358, 359.]

May 4. Whitehall. **345.** William Popple to Thomas Weaver. What advices have you about the present number of effectual men in the four Companies at New York? May it be reckoned that they now consist of 200 men complete in the whole or no? [*Board of Trade.* New York, 53. *p.* 297.]

May 4. Whitehall. **346.** Council of Trade and Plantations to the King. We recommend Mr. Edward Jones to be both Secretary and Provost Marshal of the Bermuda Islands. *Signed*, J. Bridgewater, Ph. Meadows, Wm. Blathwayt, Jno. Pollexfen, Abr. Hill. [*Board of Trade.* Bermuda, 29. *pp.* 130, 131.]

May 4. **347.** Minutes of Council of New York. A *scire facias* ordered against the manucaptors in the case of Depeyster and Cruger. Petition of Duncan Campbell read.

May 5. Four pounds ordered to be paid to Lt. John Riggs for expenses. [*Board of Trade.* New York, 72. *pp.* 226, 227.]

May 4. **348.** Minutes of Council of Virginia. Richard Dunbar praying to be discharged, the account of his stores ordered to be examined. Audit of public accounts ordered for June 20, and thereafter quarterly. H.M. instructions concerning the establishment of a Court of Exchequer referred to Mr. Auditor for his opinion; those concerning the Secretary's Office to Mr. Secretary; and those for the improvement of the country to Richard Lee, William Byrd, Charles Scarburgh and Benjamin Harrison. Proceedings of the Council read.

May 5. Ordnance stores saved from the *Swift* ordered to be sent home as directed by the Ordnance Office, the rest of the stores to be sold. The ship *Integrity* having been condemned in the Court of Admiralty for a breach of the Acts of Trade, the master, Aaron

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Whitson, was given liberty to purchase her at the appraisement made when he appealed; he letting fall the prosecution of the appeal. [*Board of Trade.* Virginia, 53. *pp.* 246-248.]

May 5. London. **349.** Henry Adderley to William Popple. In reply to yours of March 10, the merchants trading to New York are afraid to fall under the lash of the Government there if they officiously make affidavits of their knowledge of the present state of New York before a Master in Chancery unless duly summoned to it by authority. *Signed,* Hen. Adderley. ¾ *p.* *Endorsed,* Recd. May 6, Read May 10, 1699. [*Board of Trade.* New York, 8 A. *No.* 28.]

May 5. **350.** Minutes of Council of New York in Assembly. A new Bill about drift whales ordered. The three other Bills sent up May 4 read the third time and passed. List of the Custom-house Officers' fees sent to the Representatives. Bill for settling and supporting ministers read the first time. Bills for regulating the fences in Ulster; continuing the Act for encouraging the Post Office two years longer; and for regulating the election of Representatives, sent up.

The Representatives replied that they had no power to make the *Fortune* free, but proposed that Col. Depeyster be permitted to load some lumber and navigate her to some other port where she might be lawfully sold.

May 6. Bill for support of Ministers read the second time. Bills for reviving an Act regulating the retaining of Attorneys; encouraging the Post Office; and regulating elections read the first and second time and committed. Bill for breaking certain extravagant grants ordered.

May 8. The Bill read the first time. The case of Audry Wandall v. Richard Alsop considered. Bills about Attorneys and Elections read the third time and passed. A place at the mouth of Maiden Lane in Queen's Street appointed for shipping goods as well as the Custom-house wharf. [*Board of Trade.* New York, 72. *pp.* 792-798.]

May 6. Whitehall. **351.** Mr. Secretary Vernon to the Council of Trade and Plantations. I enclose a copy of a letter from the Consul at Algiers to the Admiralty. His Majesty refers to your consideration whether merchant ships belonging to the Islands or Plantations, or that shall trade thither, should not have the Admiralty Passes to secure them from the Algerines. *Signed,* Ja. Vernon. *Annexed,*

351. I. Letter from the Admiralty to Mr. Vernon. *Enclosing copy of*

351. II. Letter from Mr. Robert Cole, Consul at Algiers, to the Admiralty, March 4, 1699. I am sorry that the Admiralty Passes for our Navigation are to be continued, since it's an undeniable truth that they are the only instruments that can breed misunderstanding between Our Great Master's subjects and this Government. Heretofore Ireland, New England nor other foreign parts were not prepared with Passes, so that it seems to me that one part of H.M. subjects have the advantage of the Peace and others not. [*Board of Trade.* Trade Papers, 14. *pp.* 269-272.]

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352. Mr. Addington to Mr. Popple. This accompanies the minutes of Council, Sept. 22, 1698—Ap. 7, 1699, and the Journal of the General Assembly, Nov. 15, 1698, with the Acts and Laws then passed and four private Acts omitted to be sent before. The Bill for regulating and inspecting the building of ships has been re-enacted at the instance of the merchants, the benefit having been observable as well for the preservation of life as estate. Their Lordships' letter of Feb. 3 with the enclosed orders of the Lords Justices have been received by the C.-in-C.; the orders have been published, and the pacquets directed to the Governments of Connecticut and Rhode Island transmitted unto them. Enclosed is a Proclamation for apprehending pirates. Bradish and ten more of his confederates are taken and imprisoned within this Government and betwixt two and three thousand pounds in money found with them seized and secured. Near a like number with some considerable quantity of money are secured in Connecticut, and some money and goods at Rhode Island. No process is yet had against them in custody here, in expectation of H. E. Lord Bellomont's speedy coming to the exercise of his Government over this Province, where all things are in present quiet. *Signed*, Is$^{a.}$ Addington. *Endorsed*, Recd. July 15. Read July 25, 1699. 2¼ *pp.* *Enclosed*,

352. I. Copy of a Proclamation by the Lt.-Gov. of Massachusetts Bay for the apprehension of Bradish and his accomplices. *Signed*, Wm. Stoughton. *Endorsed*, Recd. July 15, 1699. 2 *pp.* [*Board of Trade.* New England, 9. *Nos.* 59, 59 I.; *and* (*without enclosure*) 37. *pp.* 161-164.]

May 6. **353.** Minutes of Council and Assembly of Nevis. Patents for lands issued to Mr. Carpenter and William Pym Burt. Col. Daniel Smith returned James Bevon and Wm. Ling Assembly men for the S.E. division. Col. Abbot returned Mr. Tovey and Mr. Goare for the N.W. Mr. Bevon returned Mr. Brome and Mr. Pinney for the town; Mr. Symonds returned Mr. Evans and Mr. Henly for St. George's; Col. Smith returned Mr. Gardner and Mr. Belman for the N.E. The Assembly was sworn, elected Mr. William Ling, Speaker, and proposed that the case of Richard Tovy, who was reported to be not fairly elected, be heard by both Houses. [*Board of Trade.* Leeward Islands, 64. *p.* 495.]

May 6. **354.** Journal of House of Burgesses of Virginia. The Governor's speech considered. Grievances read and referred.

May 8. An address of thanks to the Governor ordered. The Bills proposed in the Lords Justices' Instructions, with other matters contained in the Speech and several Claims and Grievances, were referred to Committee of Propositions and Grievances. Upon the report of the Committee, the grievances from Accomack and Lancaster Counties, praying that negroes be made real estate and be sold by deed only, were rejected. As to the grievance of Surrey County about marriage with negroes and mulattoes, it was agreed that this is already sufficiently provided against by law, as also the exportation of negroes. Upon the grievance from Elizabeth City County, it was decided to prepare a Bill for the payment of

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taxes by free mulatto women. It was agreed that the laws already sufficiently provide against the entertainment of servants and slaves. Upon the grievance of Middlesex County a Bill was ordered for imposing a tax of 10*s*. per poll upon all imported servants, not English, and negroes, the tax to be for three years and appropriated to building a State House. The grievance of Accomack, that Virginia has no agent in London, referred to the next Assembly owing to want of money. As to the grievance of Accomack it was decided there was no need of a law to free Justices from arrests in Court times. In accordance with a grievance from Northampton County, the place for the holding of General Courts will be provided in the new State House, and in accordance with those from York and Elizabeth City Counties, a Bill was ordered to be prepared for preventing the discontinuance of Courts and process by the not coming of the Justices.

May 8. The grievance of York County was rejected, it being held that York Court is already conveniently settled. Upon the grievance of Lancaster County that justice is greatly delayed by the thinness of the magistracy and their frequent adjournments and chiefly by the selling of drink near the Court-houses, it was answered that the first might be remedied by application to the Governor and the second would be met by the Bill against Immorality, etc. The grievance of Accomack, praying that the time of payment of Burgesses upon their journies might be enlarged, was rejected, but that proposing that a Bill to prevent undue elections be prepared was agreed to. In accordance with the grievances of Lancaster, Accomack, New Kent and Henrico Counties, a Bill was ordered to be prepared to prevent the exportation of old iron, and a Bill prohibiting the unseasonable killing of deer, on the grievance of Accomac. But the grievances of Accomac, praying that the encouragement to the Indians for killing wolves might be increased and of Northampton and Nansemond that it might be lessened, were rejected. Suggested alterations of Miller's Toll were rejected, with the proposition of Westmorland County to encourage the destruction of crows.

May 9. May 10. The House in Committee considered the value of coins, and resolved, that all pieces of eight, as well Peru as others, that weigh twelve pennyweight do pass current at 4 shillings and all half pieces of eight weighing six pennyweight at 2*s*. and so to be advanced fourpence upon every pennyweight. All quarter pieces to pass current at fifteen pence; Royals at sevenpence halfpenny and half Royals at threepence three farthings as formerly; Dog and Lion dollars at 4*s*. each; Rix dollars or ducatoons at 6*s*.; French crowns at 5*s*.; Spanish pistols and Luidors at 20*s*.; Chickeens and Arabian pieces at 10*s*. These values not to extend to the payment of debts already contracted. Bill ordered to be prepared accordingly, and a Bill to confirm their lands to all persons. The proposition of two members that Hogstealing may not be understood to be within the law for prosecuting and trying negroes or slaves in the County Courts for capital crimes by commission of Oyer and Terminer read, and referred to Committee of Grievances. (*And see following abstract under date.*) The House disagreed with the report of

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the Committee of Grievances that a Bill for the prohibition of the exportation of Indian corn was not necessary and ordered it to be brought in accordingly. It was decided that, a firm peace being concluded, there was no need to accept the proposition of New Kent County that the law for Rangers be continued. Proposition from Gloucester County that H.M. quit-rents may be paid in tobacco at 2*d*. per pound etc. rejected as belonging to His Majesty to deal with. Proposition of Lancaster and Gloucester Counties that Coroners may be had in every County, and that a law be made how writs of Replevins should issue referred to Committee for revising Laws. It was decided that there was no need for further laws for the maintenance of bastard children or duties in Maryland on Virginia commodities. A Bill was ordered to prevent the poisoning of whales. Doubts about collecting Parish duties were referred to the Committee for revising laws, and complaints about Collectors were rejected, as being proper to make to the Governor. A Bill was ordered to be prepared about pounds for unruly horses suffered to go at large. No imposition being intended to be laid upon the public for the use of the College, the grievance of Isle of Wight County against it was rejected. Settling of the land south of Blackwater referred to the proper Committee. It was decided that the law sufficiently provided for cases of unqualified Churchwardens and Vestrymen; and that a law for the payment of levies for such Tuscarora Indians as make tobacco and come amongst the English for their use, and that they may be listed as tithables, or that they be restrained from coming amongst the English, was not necessary. The proposition of the parish of Wilmington to be united to James City was rejected. The ascertaining of the bounds of the counties was referred to the next Assembly. The Grievance of Charles City County that mulattoes be restrained from keeping Christian servants was referred to the Committee for revising the Laws. The grievance of Gloucester and Lancaster was not rejected as recommended by the Committee, but referred to the Committee for revising the Laws to provide remedies against the false tareing of tobacco hogsheads. The proposition of Westmorland for a more effectual law against hogstealing was rejected. The proposition of Lancaster and Gloucester praying that care may be taken for the education of youth brought up in the Christian religion rejected as unnecessary.

Grievances from Accomack, Lancaster and Gloucester requesting the punishment of vagrant vagabonds and idle persons and the assessment of common labourers rejected as sufficiently provided for, as also a grievance for preventing shooting upon other men's lands. The proposal for putting the Act of Toleration in execution for the prevention of Sabbath-breaking was referred to the Committee. It was decided that there was no need of a law for preventing litigious suits before a Justice of the Peace. The grievance of Stafford County concerning the Indian, Esquire Tom, convicted of murder but protected by the Emperor of the Piscattaways, referred to the consideration of the House. Irregularities in a parish in Norfolk were referred to four justices of Queen Anne's County to report upon. [*Board of Trade*. Virginia, 52. *pp*. 370-399.]

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May 8. **355.** Journal of General Assembly of Virginia. Grievances of the inhabitants of Norfolk and Charles City Counties referred to the House of Burgesses.

May 9. Dionisius Wright appointed Clerk to the Joint Committee on the Blackwater lands, to which the complaints of the Queen of Pamunky and the several other Nations of Indians were referred.

May 10. It was resolved to recommend the revisal of the Laws to the House of Burgesses, and that a Joint Committee should be appointed to consider the best methods of revising them. The Burgesses were summoned and the Governor recommended this expedient as likely to save them much time.

May 11. Petitions for allowances for services read and referred to the Burgesses, who were invited to appoint a Committee to inspect the Records and Papers which Peter and Robert Beverley had been instructed to list and lodge in their several offices. The Burgesses desired a conference about the murders, etc., committed by the Indian called Squire Tom.

May 12. The Queen of Pamunky complaining that several English have encroached upon the liberty of her people, three of the great men of the Pamunky Indians were summoned to prosecute their complaint. The Burgesses were informed that the Council were ready to confer with them in the Great Hall as they requested yesterday. The Burgesses presented a congratulatory address to the Governor. [*Board of Trade.* Virginia, 52. *pp.* 84-96.]

May 8. **356.** Journal of Council of Trade and Plantations. Acts of Barbadoes, 1698, considered and representation thereon ordered.

Letter to Mr. Lowndes about money for the forces at New York ordered to be written and given to Mr. Weaver.

Ordered that in the next letter to Mr. Grey he be directed to recommend to the Assembly of Barbadoes to build a house for the Governor's residence.

Col. Codrington's Instructions considered; copy thereof ordered to be communicated to him.

Letter from Mr. Secretary Vernon about Turkey passes for Plantation ships read and an answer prepared.

May 9. Messrs. Gold and Henshaw attended and admitted the Duke of Tuscany's prohibition of the sale of ill-conditioned fish was not without occasion, great abuses having been committed in the curing and packing fish in the West Country. But the proclamation had been extended in its execution beyond the true reason because of a glut on the market, and they therefore proposed that His Majesty might be moved to write to the Great Duke in their behalf.

Petition of Robert Chaplin about a decree in Barbadoes read.

Letter to Mr. Secretary Vernon about Turkey Passes signed.

Petitions of Col. Samuel Gardiner, late L.-G. of Nevis, and of Thomas Duncombe, late of the Council of Antigoa, praying for copies of the charges against them read. Mr. Weaver ordered to attend.

Col. Codrington's Instructions considered. [*Board of Trade.* Journal, 12. *pp.* 31-35 ; *and* 96. *Nos.* 74, 75.]

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May 8. **357.** Minutes of Council of New York. Committee for auditing the accounts appointed. Commissioners of Customs ordered to summon the public-house keepers to agree for their excise for the next year. Col. Smith permitted to let the excise of the County of Suffolk on the Island Nassau for the next year in the best manner he can.

May 10. Petition of William Shackerley read.

May 11. Bradish's money delivered by Col. Peirson to Col. Stephen Cortlandt and Mr. Robt. Livingston by H.E.'s order, for which they are to give bond in double the sum.

May 12. Col. Smith ordered a gun and powder supplied by him to an Indian on Col. Fletcher's order. Shackerley's papers lodged in the Secretary's Office laid before the Board.

£22 ordered for wine given to the soldiers and militia the last training day.

Account of the Naval Officer referred to a Committee.

£4 18*s*. 0*d*. paid to Col. William Smith for expenses sent by him.

£2 11*s*. 0*d*. paid to Samuel Staats for the post from Ulster County.

May 13. Execution ordered to issue against Owzell van Sweeten and Adolphus Phillips, manucaptors in the case of Depeyster and Cruger.

May 14. Proclamation issued about the Scotch expedition. [*Board of Trade*. New York, 72. *pp*. 227-233.]

May 9.
Whitehall. **358.** William Popple to William Lownds. The Lords Commissioners for Trade and Plantations think it would be a great service to His Majesty, for keeping the forces at New York together, if some money were sent them. [*Board of Trade*. New York, 53. *p*. 297.]

May 9. **359.** Petition of Col. Samuel Gardner to Council of Trade and Plantations. Petitioner was suspended from his office of Lieutenant-Governor of the Island of Nevis by the late General Codrington on pretence of his neglecting to give due obedience to a clause of an Act of Parliament made in the seventh and eighth year of his present Majesty. He conceives that he hath in nowise transgressed the Act, and prays for a copy of whatever charge was made against him, and doth not question but to justify himself. *Endorsed*, Recd. May 8 from Mr. Weaver. Read May 9, 1699. [*Board of Trade*. Leeward Islands, 6. *No*. 20; *and* 45. *p*. 360.]

May 9. **360.** Petition of Thomas Duncomb to the Council of Trade and Plantations. The petitioner was suspended from being one of the Council of Antigua by the late General Codrington without any legal cause or reason being assigned. He therefore prays for a copy of the charge against him, if any, that he may be heard in his defence and on his justification restored. *Endorsed*, Recd. May 8. Read May 9, 1699. [*Board of Trade*. Leeward Islands, 6. *No*. 19; *and* 45. *p*. 360.]

May 9.
Whitehall. **361.** Council of Trade and Plantations to Mr. Secretary Vernon. In answer to your letter of the 6th, we consider that the 4th Article of the Treaty with Algiers, which relates to passes, extending equally to all merchant ships or other vessels of H.M.

subjects not being in any of the seas appertaining to H.M. Dominions, it will be much for the security of all ships trading to H.M. Plantations and of all others trading anywhere southwards, that they be furnished with such passes in pursuance of the said Treaty as may secure them from the Algerines, who often cruize in the seas through which these ships must sail. *Signed,* J. Bridgewater, Tankerville, Ph. Meadows, John Pollexfen, Abr. Hill. [*Board of Trade.* Trade Papers, 14. *pp.* 272, 273.]

May 9. **362**. Journal of Assembly of Barbados. Thomas Maxwell elected Speaker. Petition of the Jews read and laid by. Petitions from the towns relating to the Bill for the provision of servants considered. [*Board of Trade.* Barbados, 65. *pp.* 407-409.]

May 9. **363**. Minutes of Council of Barbados. John Frost, a Leeward Island deserter, was sent to prison. The petition of Nathaniel Champnys, late Lieutenant of H.M.S. *Dolphin*, Thomas Allen, master, and James Creswell, purser, relating to Capt. Collin Hunter ordered to be considered this day sennight. The petition entered in the Council Books; "the Commander has broken several articles of his instructions; the command, order and discipline required in the Navy is not on board the ship, and to the detriment and dishonour of His Majesty's service the petitioner is restrained by the Commander from exercising the same, and has been imprisoned and barbarously used by him for attempting to do so. The petitioner has written to the Admiralty and prays that the *Dolphin* may be ordered not to leave Barbados before the Lords Commissioners' directions are known." [*Board of Trade.* Barbados, 65. *pp.* 393-395.]

May 9. **364**. Petition of Robert Chaplin of London, merchant, praying that 1,200 and odd pounds, which by a decree in the Island of Barbados were given in favour of Captain Alexander Cunningham, for breach of covenants contained in a lease of a plantation called Staplegrowth Plantation in that island, may remain in Court there till His Majesty has determined the cause in Council. *Not signed. On back,*

May 6. Whitehall. 364. I. The above petition is referred to the Council of Trade and Plantations to consider and report upon. *Signed,* James Vernon. *Endorsed,* Recd. Read May 9th, 1699. 2 *pp.* [*Board of Trade.* Barbados, 7. *Nos.* 89, 89I.; *and* 44. *pp.* 258-260.]

May 9. **365**. Minutes of Council of Virginia. Upon considering the state of the fortifications, it was decided that the country could not be defended by land fortifications, the country being low towards the sea, and there being landings at almost every plantation and many good landing-places where there were no plantations, so that it would be easy to come upon the backs of those defending the fortifications, take them and use the guns against the country. Nor would the fortifications be sufficient to prevent insurrections or illegal trade or guard trade, as some rivers are so broad that their guns will not command them. To keep all the powder in a few fortifications is dangerous. The only means to protect the

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Government must be by a naval force. It was therefore resolved to spend no more upon the existing fortifications and to distribute the powder stored in them through the counties. These proceedings to be laid before the Burgesses.

May 10. John Lightfoot, complaining of two entries in the Council Books,
Sep. 25, 1696, and March 1, 169$\frac{8}{9}$, before he was a member, an
entry was ordered in praise of his conduct since he was sworn of
May 11. the Council more than two years ago. Payments for messages
last year ordered.

John Hanley ordered to be paid £25 for his platform.

May 12. A warrant ordered April 18 for payment to William Byrd, signed.
[*Board of Trade.* Virginia, 53. *pp.* 248-253.]

May 10. **366**. Memorial from Mr. Puckle and partners. The settling of Tobago in English and Courlanders' hands will be of great service to trade. The island has better bays and harbours than any other of our plantations, and might be fatally prejudicial to the kingdom if it fell into the hands of the French or Dutch, who both court it. It will not injure any of our sugar plantations as the planting of sugar there is prohibited; the planters will do well enough with indigo, cotton, ginger, tobacco and other natural products. It will cost the Crown little beyond the cost of the attendance of the small frigate for a few months during the first settlement of the island. *Not signed. Endorsed,* Read 10th May, 1699. 1 *p.* [*Board of Trade.* Barbados, 7. *No.* 90; *and* 44. *p.* 261.]

May 10 **367**. Copy of the Articles of Agreement between the Hon. Charles, Baron de Blomberg, envoy of the Duke of Courland, and Thomas Puckle, Nicholas Dupin, Richard Goddard and Joseph Blake, of London, merchants, and their intended company, relating to the settlement of Tobago, indented and agreed upon, Dec. 15, 1698.

Fifty thousand acres of land in the island of Tobago granted to Thomas Puckle, etc. their heirs and assignees for ever, free from payment for three years; settlement to begin within six months. A quit-rent of twopence per acre per annum to be paid after three years. The heathen natives to enjoy their habitations and lands without disturbance. Mining and fishing royalties to be shared equally between the Duke and the company, the company paying all expenses. Provisions for the government and administration of the island by a Governor, Council and Assembly, etc. The making of sugars to be prohibited in the island. Thomas Puckle and Company to pay £3,000 to the Duke within a month of the subscription of £15,000 for the intended joint stock. *Endorsed,* Read May 10, 1699. *Nine large pages.* [*Board of Trade.* Barbados, 7. *No.* 91; *and* 44*a*. *p.* 261.]

May 10. **368**. Copy of the grant of the island of Tobago by King Charles II. to the Duke of Courland, Nov. 17, 1664. Taken from Dr. Connor's *History of England. Endorsed,* Communicated to the Board by Sir William Waller, April 28. Read May 10, 1699. 4 *pp.* [*Board of Trade.* Barbados, 7. *No.* 92; *and* 44A. *p.* 261.]

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369. Wm. Thornburgh to William Popple. I transmit you a copy of Col. Trott's answer delivered to the Lords Proprietors of the Bahama Islands on Monday last. *Signed*, Wm. Thornburgh. *Endorsed*, Recd. Read May 11, 1699. *Enclosed*,

369. I. Answer of Nicholas Trott to complaint about the ship *Jufrow Gertrud*. About the latter end of March, 1694, three boats filled with men appeared in sight of New Providence, which alarmed the inhabitants, who were at that time weak, many of their men being gone to the Salt Ponds and abroad in voyages. But the Captain sending the Lieutenant on shore, and acquainting the Governor that they were friends and had lost their ship by stress of weather about 50 leagues from that place, and wanted provisions and all necessaries, he permitted them to come on shore. They first having, according to their own offer, delivered up their arms as an assurance of their peaceable intention, which the Governor thought convenient, they being superior in strength to the inhabitants. The arms were but 10 fuzees and 17 pistols, part of the ship's furniture, and were laid up in the public storehouse and there left by him. Some of the ship's crew were afterwards very importunate to have their arms delivered to them, which the Governor did not think was convenient, and the rather because Captain L'Offrey advised him to the contrary, saying they were mutinous fellows of divers nations and would be apt enough to attempt some mischief; that they had forced him to divide all the money they had saved out of the ship amongst them, share and share alike, which came to about £200 a man. The Captain likewise told him the ship was utterly lost and broke to pieces, so that he believed the place of the wreck was not easily to be found, but that if they could save anything he freely relinquished it to them, he being also owner of one-half both of ship and cargo. The inhabitants fitted out a sloop and very much importuned the sailors to go with them, who refused, saying that they had run the risk already, and [they] could not prevail with any but one French Protestant. They found the place where the ship was supposed to be wrecked and two wrecks lying close together, and from them the divers with great pain and difficulty took up some small matters. The Governor used the Captain and his sailors with all kindness and humanity, which he always acknowledged, and had not anything from them, but some small presents they made for the charge and expense he had been at. True it is there was an embargo laid by Order of Council, the French having then lately appeared on the coast, and some of the ship's crew endeavouring to get away without leave were by the Governor's order brought back again. He utterly denies the imprisonment of any of the men or any

process towards the confiscation of the ship. He knows nothing of her, her lading or voyage, but what he heard from the Captain and crew, nor of the wreck, but what he was informed by them or those that went by the Captain's direction. The words alleged to be spoken by the Governor are so foolish and extravagant and so different from the respect he has always shown to H.M. Government that he hopes they will obtain no credit, as he avers they deserve none. *Copy.* 2 *pp.* [*Board of Trade.* Proprieties, 3. *Nos.* 13, 13 I.; *and* (*without covering letter*) 25. *pp.* 414, 415; *and* North Carolina, 4. *pp.* 72, 73.]

May 10. **370.** French Ambassador's answer to the memorial of H.M. Commissioners, March 17, 1699, relating to their claim of a title to Hudson's Bay. The French made the first discovery of the Bay to the North of Canada, the first settlements for carrying on the trade there. The disturbance was begun by the English only. It is not worth while to dispute about the voyages mentioned in the memorial from 1497-1631. But in general it does not appear that the English knew those northern countries from the year 1497, but the Normans and the Basques did then go a-fishing to Newfoundland, the Gulph of St. Laurent, on the coast of Labrador, and to the North of the isle of Newfoundland. Many voyages might be quoted, but it is certain that if the English, Danish, or other navigators made any voyages thither, it was only with an intent to find out a passage to the South Sea. It cannot be proved that they made settlements or carried on any trade in the Bay of the North of Canada, or even knew the places mentioned in those old maps they pretend to make use of, which were made but 30 or 40 years ago, since the English were introduced into the Bay. To establish a rightful possession of a country, it is not sufficient to have discovered and even inhabited the same for some time; but an antient possession or a continual habitation or a trade at least carried on are requisite in order to pretend or dispute a property, which the English cannot justify as to the Bay of the North of Canada. They own the interruption of their possession 1631-1667. The troubles and civil wars they allege as the reason did not begin till about 1640, and during those troubles they preserved their other plantations, and even increased the trade and extent thereof. If the French insisted upon voyages made at different times and taking possession of the countries where they have been, they might demand Carolina now, because in the time of Francis I., Hen. II. and Charles IX. they had forts there, and all New England and the New Low Countries, for they had commanders and settlements there 1604-1610, whilst the English, who then possessed only Virginia, began to settle themselves on that coast but towards the year 1626. The authors who have written about Canada or New France give it no limits northwards, and it appears by all the grants or Letters of Corporation made by the kings of France to the companies settled in New France, and particularly in 1628, that all the Bay of the North is comprehended in the limits mentioned by them. If the English

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had any knowledge of the bay or any claim thereto they would not have failed to insist upon it and expressly to mention it in the Treaty of 1632, when they restored to the French New France, which they had taken during the war. It is true that then and a long time afterwards the French had no forts upon the coast of the bay, because they being masters of the inland country, the savages with whom they had a continual trade brought their furs over lakes and rivers. The communication from Tadouzac to the bottom of the bay was always kept easily by the river of Saquenay; one may go thither also by other rivers and lakes on the side of Montreal, and those places are not 120 leagues remote from it. There are on the same side rivers which lead into the lake of the Hurons and the upper lake, at the head of which the French have always had settlements to trade in fur with all the savages who are on the west side of the Bay of the North. A great many instances of taking possession might be produced to justify that all those savages have acknowledged the king's soveraínty before the English thought of going thither, as may be seen by examining the situation of the country. The English pretend it was in 1663 they first formed a design to go and settle themselves in the Bay of the North, and that in 1667 Zacchary Gilhem was the first who went into the bottom of the Bay, where he built Charles Fort on the River Rupert, but they conceal that the prospect of those settlements was suggested to them by Radisson and Desgrozelliers, subjects of the King and inhabitants of Canada, who conducted them to the bottom of the Bay, of which the English had not any knowledge. The Letters of Corporation granted 1670 by Charles II. to the Hudson's Bay Company cannot give them any right, because that Prince could not dispose of a country and lands lawfully and constantly possessed by France without any opposition. The wars which France was afterwards obliged to maintain against almost all Europe hindered her from opposing the new attempts of the English, and the engagements entered into with Charles II. made it unfit to revive any occasions of dispute. Nevertheless in 1675 the inhabitants of Canada sent a ship into the Bay of the North to put a stop to the undertaking of the English. The French who were sent thither came into the Bourbon River and wintered there. That River the English call Port Nelson, where there was then no sign found of any settlement or habitation. The inhabitants of Canada sent thither in 1682 two other ships with Radisson and Desgrozelliers who were come back to New France, and whom the King had pardoned for deserting. They arrived in August and made a settlement in the River of St. Thereze, a league and a half from the River Bourbon, and called it Fort Bourbon. The English had not yet discovered this River of St. Thereze. The same year there came near Fort Bourbon a ship from England and a barque from Boston which was left in the ice. The French gave leave to the seamen of those vessels to winter on the River Bourbon upon promise that they would not fortify themselves there. The men of the ship from England having broken their word were attacked and made prisoners: yet when the ice broke the French gave them one of their ships, 1683, to return to England, and the men belonging to the barque of Boston were charitably released and conducted to Quebec,

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whence they were sent back to Boston. It was explained in the memorial which has been delivered in what manner Radisson went over again into England and entered into an agreement with the Hudson Bay Company to go to surprise and plunder in 1684 Fort Bourbon. He is still in London and the Company actually pays him part of the pension they promised when they engaged him. The English take no notice in their memorial of all that passed in 1684, though in 1686 and 1687 the Sieurs de Barillon and de Bonrepos solicited very earnestly for the restitution of Fort Bourbon and of the effects which were carried away. The attempt of the English in 1684 in time of peace obliged those of Canada to go and attack the places in the bottom of the Bay whence the English were driven away. The losses the French sustained by the taking of Fort Bourbon exceeded by far the losses the English sustained when they were driven from the forts at the bottom of the Bay. The English were the aggressors. On these grounds the French demand to be maintained in the possession of Fort Bourbon and that all the bottom of the Bay to the North of Canada be restored to them. [*America and West Indies.* Hudson's Bay, 539. *No.* 8. *pp.* 21-25; and *Board of Trade.* Hudson's Bay, 3. *pp.* 74-80 (translation); *and* 2. *No.* 173. *Endorsed,* Read May 10, 1699. Original mislaid.]

May 10. Admiralty Office.

371. J. Burchett to Wm. Popple. H.M.S. *Deale Castle,* which with the *Hampshire* is designed for Newfoundland, being ordered to be fitted and victualled as soon as possible, I am commanded to give you this notice that the recruits may be in readiness to go abroad. *Signed,* J. Burchett. *Endorsed,* Recd. May 10. Read May 11, 1699. ½ *p.* [*Board of Trade.* Newfoundland, 3. *No.* 145; *and* 25. *p.* 312.]

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372. Minutes of Council of Barbados. A supplemental Act for the further provision of white servants was presented by the Assembly and read twice. The Council consented to the payment of £200 to William Hart, Esq., Deputy Secretary of the island. A petition from several inhabitants of St. Michael's and others relating to the aforesaid Bill was heard and the Bill referred to a committee. The Assembly presented an address upon the Treasurer's Accounts:—Charges have been made and orders passed and the Treasurer enjoined to pay them contrary to the Acts. The Assembly desire that for any payments further than by Act appointed, the consent and concurrence of their House may first be obtained. [*Board of Trade.* Barbados, 65. *pp.* 395, 396.]

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373. Journal of Assembly of Barbados. A present of £200 made to William Hart, Esq., for the several signal services he has done this Island, together with a complimentary address. The duty on 20 pipes of Madeira wine, imported by His Excellency for his own use, remitted. The guardroom in James' Fort in St. Michael's Town ordered to be fitted up as a room where the Governor may hear petitions and give audience to masters of vessels. Bill for the provision of servants read a third time. Committee of Ways and Means to raise money for the present necessities appointed. [*Board of Trade.* Barbados, 65. *pp.* 410-412.]

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374. Journal of Council of Trade and Plantations. Two letters from Governor Grey of Barbadoes (March 2 and 3) read and answer ordered.

Letter from the Board of Ordnance read.

Documents relating to the settlement of Tobago read. Answer directed.

Mr. Weaver attended in defence of Thomas Duncombe and Samuel Gardner, suspended by the late Governor Codrington. He promised a memorial in writing.

Mr. Adderley's letter about the complaints against Lord Bellomont read. A copy of those complaints ordered to be sent to the latter.

Draft of an Instruction about Martial Law agreed upon.

May 11. Mr. Thornburgh's letter enclosing Mr. Trott's answer to the Dutch Ambassador read. Copy ordered to be given to Mr. Bradshaw, who sollicites that business. Trott summoned to attend on Monday. Mr. Burchet's letter of the 10th read and ordered to be communicated to Mr. Thurston.

Answer of the French Ambasssador *re* Hudson's Bay read.

Remonstrance of Mr. Edward Palmes relating to the Government of Connecticut read. [*Board of Trade.* Journal, 12. *pp.* 35-39; *and* 96. *Nos.* 76, 77.]

May 10. **375.** Minutes of Council of New York in Assembly. Bill about drift-whales read three times and sent down. Some articles in the schedule of fees explained. The Bill for the support of ministers rejected on account of H.M. instructions. An address to H.M. the King from both Houses proposed on the subject. Bill for continuing the Post Office read the third time. Explanation of the Bill about fences in Ulster required. Bills enabling New York and Albany to defray their necessary charges sent up, read twice and committed. Petitions of Jacob Mauritz and Johannes Provoost referred to the Representatives.

May 11. Loyal address to the King from the Representatives sent up to be transmitted. Bill for vacating extravagant grants read the second time. Albany Bill read the third time and passed. Amendments proposed in the New York Bill.

May 12. Bill for vacating extravagant grants read the third time, passed, and sent down. Bill for preventing the desertion of soldiers read three times and sent down. Bill to enable towns to build and repair meeting houses, etc. sent up, read twice and committed. The Committee reported against the Bill for establishing Courts of Judicature. The Representatives insisted on the New York Bill being passed without any amendments.

May 13. Bill for vacating extravagant grants returned up with amendments, which were agreed to. The judgment against Widow Wandall was reversed. Bill about repairing meeting-houses read the third time and passed. H.E. again recommended the case of Mr. Livingston to the Representatives. [*Board of Trade.* New York, 72. *pp.* 798-808.]

May 11. **376.** Edward Palmes to Council of Trade and Plantations. Remonstrance relating to some irregularities in the Government of Connecticut. Several of the laws, orders and practices of that

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colony are not warranted by their Charter, and are arbitrary and grievous to the subject. Their Charter empowers them only to make by-laws, and does not give them unlimited power over the lives and liberties of the subject. *Clauses are quoted from the Charter of Charles II.* Under colour of these the Governor and Company assume power to try not only capital offences committed in their colony, but also offences committed upon the High Seas; assume a power of life and death in military matters; empower the Court of Assistants to be a Court of Admiralty; and assuming power in ecclesiastical matters, as to determine heresies and punish heretics, order, for instance, that no person shall give any unnecessary entertainment to any Quaker, Ranter or Adamite, and that no master of a ship shall land any such heretic. They assume a power of divorce and of disfranchising and banishing, of imposing Customs and disallowing the laws of England. It is therefore proposed (1) That Commissions be directed to discreet persons in the Colony, like those to the Judges here, for hearing and determining all treasons, felonies, murders, robberies, etc., and of gaol delivery. (2) That a proclamation be issued to pardon them for having illegally assumed that and other powers for the time past, and to prohibit them from exercising the same for the time to come. (3) That some sober and discreet person who has applied himself to the study of the laws of England be appointed Attorney General of the Colony, Rhoad Island and the Massachusets, and (4) that he be present at the making of all laws and see that they be sent over hither for confirmation or repeal. (5) The Governor and Company to send over the whole body of their laws for examination. (6) That they and all freemen of the Company be strictly commanded to take the oath of Allegiance and Supremacy before taking office and being made free, and that the oath of Supremacy and Obedience be administered to all persons who shall go to reside there. (7) That the Common Law of England be allowed and made use of in such cases in which the laws of the Colony are defective or do not extend to. (8) That they be strictly enjoined to observe the several Acts of Navigation. *Signed*, Edwd. Palmes. *Endorsed*, Read May 11, 1699. 13 *pp.* [*Board of Trade.* Proprieties, 3. *No.* 14; *and* 25. *pp.* 416-426.]

May 11. Boston. **377.** Minutes of Council of Massachusetts Bay. Ten or eleven guns impressed in 1697 ordered to be restored to David Jeffries, William Harris and others. Licence granted to John Campbell, of Boston, to build a new house in the place of his old one next to the Anchor Tavern. [*Board of Trade.* New England, 49. *pp.* 206, 207.]

May 11. **378.** Journal of House of Burgesses of Virginia. Capt. Thomas Cock was sworn a member. The petition of William Davis to be a doorkeeper rejected. Petitions of Mr. Chr. Corbin-Thacker, Clerk of the Secretary's Office, and Mr. James Sherlock, Clerk of the General Assembly, for allowances; of Thomas Davis for ferrying several Indians over James River; of John Tullett for fitting the House where the Burgesses now sit; and of Mr. Robert Beverley, late Clerk of the Secretary's Office, for his usual salary,

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were referred to the Committee of Claims. A conference with the Council about Indian Tom was desired.

Upon the petition of Robert Beverley it was decided that the 5,000lbs. tobacco allowed the Clerk of the Secretary's Office was satisfaction of all public claims. The Committee of Claims was appointed to view the Records. Constitution and procedure of the Committee for the revisal of the laws discussed and agreed to. A complimentary address to the Governor upon account of Thanksgiving Day at the College adopted. Bill to amend the Law entitled an Act for the more speedy prosecution of slaves committing capital crimes, ordered to be prepared.

May 12. The petition of Mr. Francis Clements for allowance as Clerk of the General Assembly rejected as too late. Bills for taxing servants, prohibiting the export of old iron and continuing the Courts read a first time. [*Board of Trade.* Virginia, 52. *pp.* 399-407.]

May 12. Bermuda. **379.** Appointment of Thomas Brook as Collector of Customs by the Governor in place of Samuel Trott, deceased. *Copy.* [*Board of Trade.* Bermuda, 39. *p.* 29.]

May 12. **380.** Minutes of Council and Assembly of Nevis. The Council considers that till Lt. Col. John Ward, thinking himself aggrieved, presents a petition, Mr. Tovy should be regarded as a member of the Assembly legally chosen. The Assembly replied that Col. Ward has presented a petition, and now informed the Council of this fact, refusing to renew the Act for quartering the regiment till this matter is settled. The Council pointed out that the petition should be properly directed and laid before them. [*Board of Trade.* Leeward Islands, 64. *pp.* 495-497.]

May 13. New York. **381.** Governor the Earl of Bellomont to the Council of Trade and Plantations. We are like to have no Courts of Justice in the province, notwithstanding the King's Letters Patents do give me full power and authority, with the advice and consent of the Council to constitute and direct Courts of Judicature, yet Col. Smith, who is Chief Judge, and Mr. Graham, Attorney General, have declared their opinions that the King cannot by law establish Courts of Justice of his own authority, therefore they, especially Mr. Graham, encouraged, as in Fletcher's time, the passing an Act of Assembly to erect Courts of Justice. But the House of Representatives spoiled the Bill that was intended for that purpose by making several incoherences and some part of it repugnant to the Laws of England, that I could not give the assent to it. I am jealous there was a trick in it; designed to do me hurt with the people, the author fancying that upon a failure of justice in the country the odium of the people would naturally fall upon me. I told Col. Smith and Mr. Graham that I could not conceive the King's Attorney General in England, who drew the Letters Patents, would let the King convey such power to a Governor as could not be justified in law. Besides I told them that patents were always read and considered at the Council Board, where they stood the test of being observed by my Lord Chancellor and Lord Chief Justice of England, who would be sure to inform the King what the law warranted him to do, and what not. You see by this what trouble I undergo for want of a good judge or two to sit in Council and a good Attorney General to advise me in behalf of the King; therefore I entreat your Lordships once more that I may have such honest able men sent over, so as to be here against the 20th Sept. if it be possible, to be present at the session of the Assembly (for till that day I intend to prorogue them). Otherwise I must be forced to put off their meeting till next spring and all business must be at a stand. There is not a day that I do not find the want of an honest able lawyer, and this one instance among many others I must observe to your Lordships. Col. Du Peyster, understanding the ship *Fortune* after condemnation was set up to be sold by inch of candle, advised with Mr. Attorney General whether he might safely adventure to buy her, she being a foreign bottom. The Attorney assured him he might. Upon which he went and outbid the other bidder and gave £315 for her and has since laid out about £200 in repairing her and at last has discovered he cannot load and sail her on a voyage. Col. Du Peyster upon this petitions me and the Council to be relieved and the Council were of opinion that the King being the seller and the King's Attorney advising, the King's honour was concerned that the purchaser should be indemnified and the King stand to the loss. Mr. Attorney also declared this to me as his opinion and I have for the present consented, till I receive your orders. It seems to me the Attorney ought of right to make good the damages. He is an understanding man, but being bred to a trade and neither to learning nor the law, it cannot be supposed he should be well qualified for the post he is in. And we lose many seizures of ships and unlawful goods by the lameness of the informations he draws up. I find the want of good officers of Justice, such as Judges and King's Council in the improvement of the revenue. To convince you, there are in Nassau Island four harbours (besides a great many creeks) where the merchants run in great quantities of goods, computed to be a third part as much as are fairly imported at New York. The four harbours are Southold, Sitaket, Oyster Bay and Muskeeto Cove. Oyster Bay lies most convenient for a private trade with the merchants of this town; to prevent which I constituted one John Townsend a Custom-house officer, giving him my commission with a salary of £30 *per annum* and a third part of all such seizures as he should make, as the law allows informers. He undertook it cheerfully. But within a month he and his securities (for I took bonds in £500 for his faithful discharge thereof) came and begged he might resign his commission, telling me that though most of that town were his near relations and several of them of his name, yet he was threatened by them to be knocked on the head, and he had already suffered many abuses, insomuch as he was in fear of his life. The Council sitting that day, I had him called before us and there he declared what he had done before and desired to be discharged. We urged him to discover who the persons were that threatened him, but he desired to be excused, for that it would be as hazardous to discover them as to remain in the execution of that employment. The minute of Council about that matter goes. And

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that has discouraged me from appointing such officers in the other towns. The people in that island are generally a lawless and unruly people, and to mend the matter there are several pirates settled among 'em, who to be sure will eg 'em on to do mischief. There is no cure for this, but an upright administration of justice, and the recruiting and better paying the King's forces that are here.

I am not satisfied with the present management of the Customhouse here, the Collectors acting with a sort of indifference, like men that expect every day to be superseded. A Collector here ought to be not only nicely honest, but also very active and intelligent, and without such a Collector and such Officers of Justice as I have before desired and described, 'twill be an impossible thing for me to improve the Revenue to what it ought to be. The charge of the salaries (*of such men sent over*) will be trebled in the increase they will bring to the Revenue. I confess I am almost tired out with the principles and behaviour of the men that are in employments of trust here. They set against me in everything, either openly or privily. They were all or most of them professed Jacobites at the time of the Revolution, and though they pretend themselves of another principle now, I see no signs of their conversion.

Mr. Graham is of opinion the Excise of Nassau Island, if duly collected, would amount to £1,200 per annum, which is 12 times as much as I doubt it will be let for this year. Wherein I have some reason to apprehend myself ill used, it being a resolved thing to keep down the revenue as low as may be, for my discredit. The Excise of this Province would without doubt amount to £3,000 a year, if we could have it duly collected, but I do not find we shall make above £1,200 this year. I offered one of the Lieutenants of the Companies £100 a year New York money and to buy him a couple of horses for him and a man to attend him, and intended him to be riding surveyor of Nassau Island, but he, though accounted a brisk man and ready to starve for want of his pay and subsistances, told me in plain terms he thought it too hazardous an undertaking for him.

Your Lordships have sent me no orders about the town of Rye Bedford, which revolted from this Province (to avoid paying taxes) to the Government of Connecticut.

I desire you will countenance the procuring his Majesty's letter for swearing Ducy Hungerford, esq., a Member of Council, and for confirming Robert Walters, esq., already put in and sworn by me. They are both very honest gentlemen and well affected to the Government.

Capt. Evans, Commander of the *Richmond*, who attended this Government in Col. Fletcher's time, has wrote two letters to my L.G. and the Attorney General, which for the extraordinariness of their style and the barbarous abuses of me, I trouble you with copies of them. He declares I should be murdered if I could be come at, and gives a hint as if the present Government of England were in a low condition and destitute of friends. I would complain to the Admiralty Board, if I thought they would do me right. 'Tis wonderful to see how insolent men of mean beginnings can be. This man's father was a shoemaker in Ireland, and,

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turning grazier, has got into a good estate. *Copy.* 3 *pp.* *Signed,* Bellomont. *Endorsed,* Recd. Sept. 20. Read Dec. 8, 1699. *Enclosed,*

381. i. and ii. Abstracts of preceding letter.

381. iii. Minutes of Council of New York, March 22, 1699. 1¼ *p.* *Endorsed,* Recd. Sept. 20, 1699.

381. iv. Copy of a letter from John Evans to Capt. Nanfan, L.G. of New York, threatening Lord Bellomont. He ought to pray that he may never come into this country. His infirmity will be no protection. 2¼ *pp.* London, Nov. 3, 1698. *Endorsed,* Recd. Sept. 20. Read. Dec. 8, 1699.

381. v. Copy of a letter from Capt. Evans to Mr. Graham threatening Lord Bellomont. "Those gentlemen whom he has injured with his lame hand by writing will expect right from it. On Monday last we buried the Lady Fletcher. He suffers much by my Lord's clamours against him. The King being in Flanders he has not been yet heard." 1¼ *p.* London, Nov. 15, 1698. *Endorsed as preceding.* [*Board of Trade.* New York, 8A. *Nos.* 29, 29 i.–v. ; *and* 53. *pp.* 402-410 ; *and* (*abstract*) 45. *pp.* 48-50.]

May 13. **382.** Commission of Christopher Codrington as Captain General and Governor in Chief of Nevis, St. Christopher's, Montserrat, Antegoa, Barbouda, Anguilla and all other plantations commonly called the Leeward Carribbee Islands. He is to take the oaths and test, which the Council are to administer, and to subscribe the Association, and he is to administer the same to each Councillor. He is empowered to suspend Members of Council, and also Lt. Governors and appoint others, *pro tem.* Five Councillors shall form a quorum. Vacancies in the Council are to be signified by the first opportunity, but the Governor is empowered to make the number up to seven, *pro tem.* He is empowered to summon Assemblies of Freeholders and Planters, the laws made by them, with the advice and consent of the Governor and Council, to be transmitted to the King within three months under the Public Seal for approbation or disallowance. The Governor to enjoy a negative voice in the passing of all laws, etc., and to adjourn, prorogue or dissolve the Assembly as he thinks fit. He is entrusted with the Great Seal, the administration of oaths, the erection of Courts of Judicature, the commissionating of persons to administer oaths, Judges and Justices of the Peace, the power of pardoning offenders other than traitors and murderers: of collation to benefices, and the power of Militia, etc.; to erect a Court Admiral and to be Vice-Admiral ; to appoint captains, etc., of ships, with commissions to execute martial law in time of war, but without jurisdiction over H.M. ships. All public moneys to be issued by warrant from the Governor with consent of the Council. He is empowered to dispose of lands under moderate quit-rents, and to appoint fairs, ports, and custom houses. He is not to dispose of any Patent place. [*Board of Trade.* Leeward Islands, 45. *pp.* 421-447.]

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May 15.
Whitehall.

383. Mr. Secretary Vernon to Council of Trade and Plantations. I have laid your Lordships' letter of the 9th inst. before His Majesty, who has been pleased to send it to the Lords of the Admiralty with directions that passes be allowed accordingly to the ships of H.M. subjects trading to the Plantations or elsewhere to the southwards. Your Lordships will likewise consider what method is to be taken for giving notice thereof to merchants or others concerned. *Signed*, Ja. Vernon. [*Board of Trade*. Trade Papers. 14. *pp*. 275.]

May 15.
New York.

384. Governor the Earl of Bellomont to the Council of Trade and Plantations. I intend to answer your orders in your letters of Oct. 25, Jan. 5 and Feb. 2. The first came but lately to my hands. I am in no capacity to obey your order of prosecuting Baldridge and others suspected of piracy for want of a good Judge or two and an honest, active Attorney General. I can have nobody prosecuted here that hath ten pieces of eight, which troubles me above all things. To labour day and night and be left to stand alone without the assistance of one man, it is what I am not possibly able to undergo, nor willing, because I shall never get credit by my labour and service. All that I have been able to do is to get Baldridge's narrative on oath. At the latter end of it you will find an account of the pirates killed in the Island of St. Mary's near Madagascar. I send Col. Du-Peyster's Memorial about the ketch said to have belonged to him, one Smart, master. As to the *Frederick* sloop which went with East Indian goods to Hamborough, and belonged to Mr. Phillips, Mr. Secretary Vernon has also observed it to me and directed me to sue Phillips' bond, but Brookes, who was then Collector, took no bond of him, so that there is no handle for prosecuting Phillips.

In answer to your letter of Jan. 5, I send copies of my letters, Oct. 27 and Nov. 14, '98, to the Lords of the Treasury, wherein I mentioned Brookes but transiently, sending them copies of my letters to you about the revenue and public accounts. I cannot recover the five years' excise out of his receiver's hands for the County of Ulster. I had a *Capias* sent for him, but he kept out of the way. There was a complaint made against him in the House of Representatives this session for defrauding the King of his revenue and the Speaker's warrant was sent for him, but he avoided that too. His name is Demyre; he is brother-in-law to Bayard and has the same good name in the country. Col. Romar, the engineer, was gone to Boston to get a passage to England, but upon your orders I have stopt him, and since I am suddenly to go thither, I have wrote to him to view the fort on the Island which commands the harbour at Boston, and from thence to go to Piscataqua in New Hampshire and thence to Pemaquid and take the plans of all three forts and make such observations as will be proper of their scituations, importance and what the charge may be of building good substantial forts.

By Brookes' neglect of his duty, we have quite lost the arrear of quit-rents computed to be at least £1,500, nor has he left a rental of them to guide us. Col. Cortlandt, the present collector, sent to all the sheriffs of the respective counties to collect the said arrears and offered 2*s*. in the pound as a reward, but they all refused, fearing, as it is supposed, to undertake an office that might cost

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them their lives, among a lawless, unruly people. One Capt. Clarke of New York came to me in winter and offered to collect those quit-rents for two shillings in the pound, and knowing him to be an ill sort of man and one of the Faction, I fancied there was something of design in his offer. However, I seemed to receive it kindly and promised him my commission for it. I then suspected and have since discovered the real cause of his offer. It was concerted at a club of those people, that nothing would sour the people against me and make them averse to the choice of such men for Representatives as would continue the Revenue so much as my sending to make a demand for a long arrear of quit-rents, which they dreamt not of ever paying, and of ransacking the deeds and titles of their estates to discover the said arrear, which they knew would be a thing very irksome and displeasing. The faction knew that in spring I must remove to Boston and that there was a necessity of my calling an Assembly to settle the Government and revenue before my leaving this Province; therefore did they contrive to lay this snare for me. But I told Clarke the season of the year would not then allow of his riding about the country and that in spring he should have my commission. The man never came near me since. How to retrieve the arrears of quit-rents and settle them for the time to come, I am at a loss, as in all other things, till I have the assistance from England already proposed. The Assembly in their Remonstrance complain of the want of able officers and Ministers of Justice, and will I doubt not contribute to their maintenance.

'Tis not possible for me to make a further scrutiny into the revenue and accounts in Col. Fletcher's time now, because I must of necessity go towards Boston to-morrow to overtake the anniversary day of that Assembly's meeting, which is the last Wednesday in May. There is not a man here whose care, skill and integrity I can rely on for such a service, when I am absent. The English here are so profligate that I cannot find a man fit to be trusted that's capable of business. The Clerk of the Council that I was forced to put into Jamisson's place is a very sottish fellow, and I fear almost as ill a man as his predecessor, but being bred a Clerk in Chancery in England he writes indifferently well and is quick in business, but I doubt not fled from England not for being honest. I was obliged to employ one Ludlow, a merchant, to be Clerk of the Assembly this Session, one that was lately convict of clipping and coining in this town. Those that are honest of the Dutch, being formerly kept out of employment and business, are very ignorant and can neither speak nor write proper English.

The copy of my Commission of Oyer and Terminer for trying the soldier at Albany I cannot send at present, the original commission being at Albany and only the Fiat remaining on record in the Secretary's Office. But for proof of the Council's consent I send Mr. Graham's and Col. Courtlandt's certificates. As an instance and proof of Jamisson's altering the Minutes of Council, which was a thing they made an article against me, the day I urged to the Council that the four ships should give in good security, when they went hence last summer to Madagascar, that they should not

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trade with pirates there, Col. Smith being the only man that stood up and spoke against it, though they all opposed it as well as he, Jamisson came and showed me the Minute of Council, where he had writ down Col. Smith's speech and arguments against my taking bond for those four ships. I afterwards told Col. Smith of this accidentally, and he went and got Jamisson to leave his name and speech entirely out of the Minute without acquainting me or the Council. But I understand it was a daily practice with Col. Fletcher and his man Jamisson, whom he often called the honestest man in the world, to mend and alter minutes of Council as they pleased.

The granting Letters of Denization, which you strictly forbid, is an error I have been led into partly through my own ignorance, but more especially by the advice of Mr. Attorney and Jamisson when he was Clerk of the Council, who told me Fletcher had granted many. I may have granted four or five in all, for which I only had 12*s.* a-piece fees, the constant fee to the Governor for the Seal of the Province, though I can prove that Col. Fletcher took arbitrary fees in that case, and one of his denizens told me himself he paid Fletcher £10, and I am pretty sure he said Jamisson took £5. This is the only thing I ever imitated Fletcher in, for which I ask your Lordships' pardon, and assure you you shall never hear of the like mistake again in me. I desire to be informed whether a Governor have not power by law to denizize a stranger in the province he is Governor of, that he may have the privileges of an Englishman within that Province.

I am heartily glad of the design of sending a squadron of men-of-war to the East Indies to suppress the pirates, who are grown intolerable both for number and the depredations they commit in that part of the world, and I wish Captain Warren good success, though if he be not very well beloved by his men, and have not been careful in choosing good men, he will run a hazard of being destroyed, and of his men's running away with the King's ships and turning pirates. The temptation is so great to the common seamen in that part of the world, where the Moors have so many rich ships, and the seamen have a humour more now than ever to turn pirates. I am in hopes the several reports we have here of Captain Kid's being forced by his men against his will to plunder two Moorish ships may prove true. And 'tis said that near 100 of his men revolted from him at Madagascar and were about to kill him because he absolutely refused to turn pirate. In answer to your enquiry after the two Indians brought over from England by Niccolls and Brookes, I hear one of them stayed among our Indians, but that the other returned to Canada, who is said to be a very bloody fellow and our great enemy.

You write that for a maintenance for ministers for our Five Nations you applied to Sir Henry Ashurst that part of the Corporation money might be appropriated to that use. Sir William Ashurst had been the properer person, because he is Governor of the Corporation. When I go to Boston I will try to dispose those of the Corporation that are there to consent to it.

To confirm your Lordships in the maintenance of the Port of New York against the pretensions of the Proprietors of East Jersey I send the copy of the Duke of York's letter to Col. Dongan when

Governor of New York, copied by Mr. Spragg, then Secretary of this Province, and I believe it a true one. It shows the Duke was tender of the privileges of New York in that respect and that he rejected the pretensions of the Proprietors to have freedom of Port at Perth-Amboy. I am glad you are made sensible of the want of men-of-war here and at Boston, at a time when the French are encroaching on our fishery and insulting us with ships of war, and not a man-of-war in all this coast to look them in the face and protect the King's subjects from their insolence. At a time, too, when piracy is so common. But since you cannot prevail with the Admiralty Board, I hope you will apply to the Fountain Head, the King. I ask pardon for presuming to advise your Lordships on this occasion. I took that Board's usage of me in their manner of recalling the *Deptford* and *Fowy* so ill that I have not since wrote to them.

You seem to approve of my proposal of building two Forts at Albany and Schenectady and of applying Col. Fletcher's debt to that use, but being now to go to Boston, I cannot make a strict audit of the accounts. Those I had by me (the original, of those I sent you) the House of Representatives borrowed to assist them in an examen they intended to make. They had not the skill to make use of them, and part of them were stolen and embezzled. I hope you observed that besides a certain balance of above £4,000 charged upon Fletcher and Brookes, there were several considerable sums of money given by Assembly, which we could find no account of and are therefore a good charge upon Fletcher. Then there are his frauds to the soldiers, the unprecedented salary to his man Honan and the 30 per cent. of which there was no satisfactory account. I reckoned that there was about £9,000 a certain charge on him, besides the buildings and the money he made by the sale of lands. I was in hopes you would have sent over an honest expert accountant to assist me in a stricter audit. I am glad the map of the Province pleases you, but as for a more correct book of the Laws, 'tis not to be had. I sent for the printer and he told me there was no remedy for it, because he had nobody to correct the press at the time he printed them. As to my mustering my servants I am very well pleased to be stinted and have marked with a cross my six servants last mustered, that as many of them may be checked as the proper officer shall please, pursuant to the King's order. I send the Muster Rolls of the four companies. Our men desert apace, and I do not wonder at it. I doubt the officers will do so too in a while or be starved for want of their pay and subsistance. I think we have been barbarously used by the Pay Office. I am forced to lend £20 a piece to the Lieut. and Chaplain out of my salary or they must downright starve: and at the same time I am put to borrow money for my own use and am above £400 in debt in this town, my salary being so mean and insufficient and the perquisites so very inconsiderable. I sent you an account of the seizure of ships and what I received from them. In addition, in thirteen months I have got but £83 6*s*. 0*d*., New York money, from the Secretary for Passes for ships, Licences for Marriages and Probates of Wills and all other things wherein the Seal of the

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Province has been used. When I went to Albany the present from the Indians in Bever and other skins I sold for £88 9s. 10*d*. New York money. The particulars above specified and my salary of £400 per annnm are all the profits I have had since my being in the Government.

In answer to your letter of Feb. 2, which I received three days since; as to the fears of the merchants about my countenancing Leisler's party, the merchants of this town are full as ingenious as they are honest. I have often told them I would never be guilty of so unaccountable a folly as to consent to a Bill of reparation of damages to the Leisler Party, unless I had the King's express command. And after all the noise of £17,000 that they gave out would be the sum in demand by that party, I do not find that it amounts to full £5,000. They pretend I favour that party. I would gladly know wherein I favour them beyond the rules of Justice. I suffered them indeed to take up the bodies of Capt. Leisler and Mr. Milbourne and give them Christian burial, and I do not repent since no manner of ill consequence ensued. And if it were in my power I would restore them to life again, for I have undertaken to prove that the execution of those men was as violent, cruel and arbitrary a proceeding as ever was done upon the lives of men in any age under an English Government. And it will be proved undeniably that Fletcher hath declared the same dislike and abhorrence of that proceeding that I now do, notwithstanding his doubleness in publishing a book to applaud the justice of it and screen his sycophant Councillors, Nicholls, Bayard, Brookes and the rest of the Bloodhounds. I do not wonder the murderers of those men should be disturbed at the taking up their bones; it puts them in mind ('tis likely) of their rising hereafter in judgment against them. But why the merchants of New York or their correspondents in London should be alarmed at it I cannot imagine, only that they would make everything a pretence against me. Mr. Bayard has sent over the copy of a petition of some few merchants in London complaining of me for favouring the Leisler party. They tell me it is very spiteful, and much applauds the justice of all the proceedings against Leisler and Milbourne, an insolence of a high nature when the Act of Parliament that reverses the attainder does plainly condemn and explode that whole proceeding against them. The merchants fell out with me the first week I was here over the seizure of the *Fortune*, and it was three weeks before I ordered a writ of restitution to Leisler's and Milbourne's heirs. So their quarrel is not grounded on my countenance of the Leisler party. The Leislerites are three to one in the province. I have made all the court that a man could do that has the soul of a gentleman to these angry merchants. I have invited 'em to my table and treated them with all the kindness I was capable of, encouraged their coming often to dine with me, but they would never come near me of their own accord. I cannot imagine the meaning of it, unless my drinking King William's health (which is a custom with me always after dinner) frightened them. There are two Acts passed this Session that have a retrospect, one to the time of Slaughter's Government, an Act of Indemnity for several honest men that were excluded by name out of an Act of

Indemnity passed in his time; this was thought so reasonable a thing that the angry party in the House voted for it; the other, an Act for preventing vexatious suits of law upon the account of the late happy Revolution and for reversing unjust judgments and executions and among the rest a most unjust judgment obtained by Mr. Niccolls for £1,000 (as I take it). The Act is copied after an Act of Parliament in England soon after the Revolution, that bears the same title; and Brookes carried home £100 to procure the King's positive order to me to pass a Bill of Indemnity prepared by Niccolls to pass the last Session and contrived by him to let that judgment stand good. I can prove the sending over the £100 and it was a contribution of 28 merchants and a few other angry people, which shows the influence Niccolls has on these people. In the Act for preventing vexatious suits there are the words "Disaffected persons" applied to those that opposed Leisler. The Bill passed without any struggle in the House of Representatives where it began, but at Council it met with some opposition, one of the Council telling me if the Act passed here, it should not pass in England, for that there should be spent £20,000 rather than it should be approved by the King. I told him he had found out the only way to make me a friend to the Bill. At the second reading, I jeering him about the £20,000, he had the confidence to tell me if that would not do there should be £40,000. This is so abominable a reflection on the Government of England, but so common a one here, that I hope your Lordships will take effectual care to put all imaginable discountenance on it. If I be rightly informed they are now raising money by contribution to send home to Bayard and their Agent, who, I hear, makes them believe money will do anything at Court. I thought a man that went over under such a criminal accusation as he has done went with a rope about his neck, and never would be admitted to appear as an Agent at Whitehall. I was so provoked at the person's airing this reflection in Council that I was about to suspend him. Capt. Leisler was the only man that yet proclaimed their Majesties King and Queen in this province. He was in possession of the fort when the proclamation came hither from the Secretary of State, and he immediately ordered it to be read at the fort with all solemnity and then carried it to a person who was of H.M. Council at my coming and still is so, who was then Mayor of this city and desired him to publish it. But he refused and does not deny it. Bayard, too, I am told, endeavoured to hinder their Majesties being proclaimed at Albany, in opposition to Capt. Leisler's orders to the Mayor of that town.

Some friends write me word that Col. Fletcher and his partisans report me to be the most arbitrary Governor that was ever known. I think my principle was very well known to be quite the contrary of that both in and out of Parliament, and now I challenge all the people of New York to shew when I have punished any man in spite of their libels, at which I have laughed. Brookes writes to his friends very confidently that I shall not be long lived in this Government, and that if villainy and falsehood do not prevail, they shall be rid of their tyrant very soon. My honest endeavours to serve the King are ill rewarded, if I must be the mark of such upstarts as Brookes to let fly their insolence and

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scurrility at me, a fellow that was bred up in my uncle's family, as his dogs were, with licking the dishes and eating the scraps from his table, and what advancement he has had in the world is owing to my father and myself.

Mr. Weaver writes that at Col. Fletcher's hearing Brookes produced a letter from Mr. Randolph to the Secretary of the Customs, saying that he had been tricked into giving a certificate against Brookes at New York. Mr. Randolph had done well if he had said by whom: he could not charge me, for he sent me the certificate of his own accord. Upon Brookes trifling and tricking in the seizure of the *Fortune*, I told Mr. Randolph of it, with several remarks of Brookes' knaveish carriage in that matter. Mr. Randolph said he wondered not at it, for he had been long enough acquainted with Brookes' tricks and that he had newly discovered several corrupt practices in the Custom House here, which he would communicate to me. When I was drawing up the complaint against Brookes to your Lordships I asked Mr. Randolph for the charge he told me he had against him, which I said I would add to that which I was preparing myself. I showed him what I wrote to you, and he afterwards sent me the certificate, as I can prove by the person he sent it by.

The House of Representatives are of opinion I have deserved well of the King and the public, as appears by their address. I never solicit their addressing me as Col. Fletcher used to do. I send the deposition of Edward Taylor about the *Fortune* receiving pirates' goods at Madagascar, which will corroborate the evidence of John Payntree. I also send Mr. Attorney's Memorial about Robert Glover the pirate. 'Tis generally taken for granted here that he had a commission from Col. Fletcher. His ship lay several days within sight of the fort here, and I am told there was an intercourse between him and Fletcher, but his design of going to the Red Sea being very public, 'tis likely Fletcher was so cautious as to give him a commission privately and not let it be registered. For the Register of the Admiralty Office denies there is such a commission entered in the Register-book and it was not material to Glover whether it were registered or no. *Signed*, Bellomont. *Endorsed*, Recd. Aug. 31. Read Dec. 12, 1699. *Copy.* 12 *large pp. Enclosed*,

384. I. Abstract of above. 3¼ *pp.*

384. II. Deposition of Captain Adam Baldridge, who lived on the Island of St. Mary's, 1690-1697, giving an account of various pirates that visited the island, etc. May 5, 1699. *Copy.* 5 *pp.* *Endorsed*, Recd. Aug. 31, 1699.

384. III. Memorial of Col. De Peyster about a ketch of his. May 1, 1699. *Endorsed as preceding.* *Copy.* ¾ *p.*

384. IV. Certificate of Ja. Graham as to an omission from the Minutes of the Council of New York. June 5, 1699. *Copy.* ½ *p.* *Endorsed as preceding.*

384. V. Certificate of Col. Cortlandt to same effect. *Copy.* ½ *p.* *Dated and endorsed as preceding.*

384. VI. Copy of the Duke of York's letter to Governor Dongan, Windsor, Aug. 26, 1684. Do not suffer any innovation in the river nor any goods to pass up it, but what shall

have paid the duties at New York . . . If you find that the inhabitants of East New Jersey have any other way of trading with the Indians than by the River of New York, you will use your endeavour to prevent it. *Signed*, James. *Endorsed as preceding*, 1 *p*.

384. VII. Deposition of Edward Taylor about the *Fortune* trading with pirates at Madagascar. March 20, 1699. *Copy*. 1 *p*. *Endorsed as preceding*.

384. VIII. Memorial of the Attorney General about ships that had sailed from New York under the command of the name of Glover. (Richard Glover and Robert Glover the pirate, both commissioned by Governor Fletcher.) May 5, 1699. *Copy*. 1 *p*. *Endorsed as preceding*.

384. IX. Proclamation of Lord Bellomont about the Courts of Judicature. Jan. 19, 1698-9. 1 *printed page*. *Endorsed as preceding*.

384. X. Proclamation of Lord Bellomont about the Scotch Settlement at Darien, forbidding assistance or correspondence etc. May 15, 1699. 1 *printed page*. *Endorsed as preceding*.

384. XI. Copy of the Address of the House of Representatives to Lord Bellomont, March 31, 1699. 1 *p*. *Endorsed as preceding*.

384. XII. Muster Roll of Lord Bellomont's Company, New York, Feb. 13, 1699. *Signed*, Bellomont, A. Depeyster, J. Depeyster, Mayor, Peter Mathews, John Bukley. 2 *pp*.

384. XIII. Muster Roll of Capt. John Nanfan's Company, New York. *Signed*, John Nanfan, A. Depeyster, J. Depeyster, Mayor, John Riggs, Charles Oliver. 1¼ *pp*.

384. XIV. Muster Roll of Major Richard Ingoldsbye's Company (Grenadiers), Albany, Feb. 7, 1699. *Signed*, Matthew Shanke, P. Schuÿler, Robt. Livingston, Hendrick Hansen. 1 *p*.

384. XV. Muster Roll of Capt. James Weems' Company (Fuziliers), Albany, Feb. 7, 1699. *Signed*, James Weems, P. Schuÿler, Robt. Livingston, Hendrick Hansen. 1 *p*. *Endorsed*, Recd. Aug 31, 1699.

[*Board of Trade*. New York, 8A. *Nos*. 30, 30 I.-XV.; *and* 53. *pp*. 411-437; *and* (*abstract*) 45. *pp*. 50-55.]

May 15. **385.** Thomas Bulkley, late Deputy Secretary to the Bahama Islands, to Council of Trade and Plantations. Nicholas Trott, late Governor, has wilfully neglected to repair to his Government the space of seven months, though he was informed of the miserable condition the inhabitants were in under the horrible tyranny of Cadwallader Jones. Upon his arrival he made Jones a Proprietor's Deputy and a Privy Councillor, though he then stood publicly accused of high treason and other capital crimes; as also a Bartholomew Mercier, a natural Frenchman notoriously guilty of sundry heinous crimes and one of Jones' traitorous confederates. He denied the benefit of the laws of England to the King's Evidence against and bounden prosecutor of Jones, when for his signal loyalty therein manifested he had been cruelly imprisoned 14 months under the deposed, confined and rescued traitor Jones'

1699.

usurpation. The Governor encouraged and abetted a conspiracy of Jones and his traitorous adherents to try the said King's Evidence before a pretended Court of Justice appointed by Governor Trott, whereof the Chief Judge and Assistants were unlearned in the law, and the Grand Jury who found the indictment were nominated and appointed by the said illiterate Chief Judge, some of them being infamous and the rest, one excepted, unqualified by law. The Governor assumed an arbitrary and despotic power, compelling the free people of the islands to work at his pleasure without wages or victuals, taking the tenth part of the product of their labours in salt and dyewood, and compelling masters of vessels to pay such extortionate port charges as discouraged merchants from trading thither. He discharged a prisoner without trial who was accused by two witnesses of joining in open hostility with the French against the subjects of the King of England, from whom the French took sundry vessels as lawful prizes of war and thereof the said traitorous renegade had his share and joined with the enemy in an attempt to invade New Providence. The King's Evidence against Cadwallader Jones, when acquitted, renewed his accusation, but Governor Trott neglected to issue legal process against Jones, and signed a licence for his going out of his jurisdiction and thereby promoted his escape from vindictive justice. He freely admitted into the port of New Providence Henry Avery, *alias* Bridgman, and his company of notorious pirates in the ship *Charles II.*, *alias* the *Fancy*, after they had piratically taken and plundered sundry vessels. He received twenty pieces-of-eight and two pieces of gold for each man as a present to himself, and the ship with all that was in her, and thereupon permitted them to stay during their pleasure and then depart with their piratical treasure out of his government, whereby they have dispersed and most escaped demerited punishment. *Signed*, Thomas Bulkley. *Endorsed*, Recd. Read May 15, 1699. 3 *pp.* [*Board of Trade.* Proprieties, 3. *No.* 15.]

May 15. **386.** Memorial from Nicholas Dupin to the Council of Trade and Plantations. "I am credibly informed that the States of Holland are about to treat with the Duke of Courland for the Island of Tobago in America, not regarding the agreement and articles signed and sealed under the great seals of England and Courland bearing date Nov. 17, 1664, whereby the said island is to be protected by the Kings of England and peopled by the subjects of England and Courland, but if the said island fall into the hands of the Dutch or French it will endanger in time of war the loss of the other islands belonging to this Crown in America, and the ruin of the merchants trading to the West Indies, as may appear by the former war between this Crown, France, and Holland, when the Dutch took several hundred English merchant ships and secured them all in the island. Besides the Duke and Government hath empowered their envoy, the Baron de Blomberg, to treat for part of the island with the King's subjects, and by virtue of his said power hath accordingly done to a company in England," who are preparing for their voyage and hope for the assistance of a convoy in accordance with the petition presented on their behalf by the Marquis of Carmarthen. *Signed*, Nicholas Dupin. *Endorsed*, Recd. Read May 15, 1699. 1 *p.* [*Board of Trade.* Barbados, 8. *No.* 1.]

1699.
May 15. **387.** Journal of Council of Trade and Plantations. Mr. Trott, late Governor of the Bahama Islands, informed that there is a deposition to the same effect as the Dutch Ambassador's complaint, said it was procured at Bermuda by Mr. Richier, his enemy, who dictated it all and several of the deponents did not understand English. He denied that he took forty pieces-of-eight of the seamen and said that he had no more than his proportional share, for two divers, of what was taken up from two wrecks, which lay together, but remembers not what that amounted to, nor knows whether it came out of the Dutch ship or another.

Mr. Bulkeley presented a complaint against the administration of Trott. A copy was ordered to be sent to him for his answer. Mr. Bradshaw said he would prepare a memorial against Trott with what speed he could, based on several other affidavits in his hands.

Mr. Pollexfen delivered to the Board a letter from a merchant in the City relating to the Duke of Tuscany's prohibition of ill-conditioned salt-fish in his Dominion, and enclosing a new Bando put forth by him.

Memorial from Mr. Dupin read.

Letter from Mr. Burt, March 4, with depositions about the behaviour of the Spaniards read and ordered to be communicated to Mr. Vernon.

May 16. Letter from Col. Quarry, March 1, read. Ordered that the heads of complaint against the Government of Pennsylvania be drawn out in order to be sent to Mr. Penn for his answer. Letter to Mr. Secretary Vernon signed. [*Board of Trade.* Journal, 12. *pp.* 40-42; *and* 96. *Nos.* 78, 79.]

May 15. **388.** Minutes of Council of New York. 15*l.* ordered to William Bradford, over and above his salary, for printing the votes of the Assembly, the session being very long.

388*l.* 8*s.* 7*d.* paid to Robert Livingston for advances to the officers and soldiers in the expedition against the French, 1687.

Salaries of Gabriel Ludlow, clerk, and Gabriel Thompson, doorkeeper of the Assembly, voted.

4*l.* 17*s.* 6*d.* paid to William Bradford for paper.

70*l.* gratuity voted to James Graham, speaker.

Instructions for the L. G. ordered to be entered in the Council Book.

30*l.* paid to Barne Cozens, and 15*l.* to David de Bon Repos.

Col. Depeyster ordered to be reimbursed for what he spent on the ship *Fortune*, a foreign bottom and so not qualified to trade.

Commissioners appointed to draw up a scheme for erecting Courts of Jurisdiction.

May 16. Committee appointed to state the interest due to Mr. Livingston for money advanced by him on the public account.

Committee appointed to audit Col. Cortlandt's accounts.

Petition of Benjamin Feneile granted. [*Board of Trade.* New York, 72. *pp.* 233-243.]

May 15. **389.** Minutes of Council of New York in Assembly. James Graham, Speaker of the House of Representatives, taken into the Council. The Revenue Bill was passed with amendment. Petition

1699

of John Marsh read. Mr. Graham ordered to audit the public accounts in place of Col. Depeyster. H. E. confirmed the choice of Abraham Gouverneur as the new Speaker and the rights and privileges of the House of Representatives. Judgment was given about the drift-whale cut up by Lloyd. The Petition and Remonstrance of the House of Representatives was presented to H. E.

May 16. The New York Bill was read the third time and passed. The Governor signed the Bills passed during the session, which were read to the Representatives attending. The Governor thanked them; regretted the omission of a Bill to reconcile parties, and prorogued the Assembly till Sept. 20. [*Board of Trade.* New York, 72. *pp.* 808-815.]

May 15. **390**. Journal of House of Burgesses of Virginia. Bills for suppressing blasphemy, prohibiting unseasonable killing of deer, for preventing undue elections of Burgesses, limiting appeals to the general Court, erecting pounds, prohibiting the export of corn, wheat, meal or bisquet till Dec. 25, 1700, were read a first time. Capt. Thomas Godwin was sworn a member. Petition of Mr. John Grice, sheriff of James City County, praying for allowance for attendance at the General Courts, was referred to the Committee of Claims.

May 16. Bills for restraining and punishing pirates and privateers, for punishing slaves for the first and second offence of hogstealing, for regulating juries, restraining the striking and killing of whales, read a first time.

Bills for suppressing blasphemy and preventing undue elections were read a second time and committed for amendment. [*Board of Trade.* Virginia, 52. *pp.* 407-410.]

May 16. **391**. Journal of General Assembly of Virginia. The petition of Wm. Broadrib and Edward Travis, churchwardens of James City parish, praying the General Assembly to contribute towards the paying for the steeple and repairing of their Church, referred to the Burgesses. Col. Richard Lee reported from the Conference that the English had suffered great damage from the Indian Squire Tom, and that he was harboured by the Piscatoway Indians. The Council was desired to propose some method to bring him to justice.

May 17. A Committee was appointed to revise the Laws.

May 18. The Governor read his answer to the Burgesses' address, proposing the placing of the new public building "somewhere at middle plantation, nigh H.M. Royal College of William and Mary," and expressing satisfaction at their reception of the President and students' address. The Burgesses adopted the proposal. The Committee to consider the method of revising the laws presented its report, and a Bill against blasphemy, swearing and cursing, etc., passed by the Burgesses, was brought to the Council, which, with a Bill for the prevention of undue elections of Burgesses, was read

May 19. a first time. The building of the State-house at Middle Plantation was agreed to.

May 20. The above Bills read a second time and committed for amendments. [*Board of Trade.* Virginia, 52. *pp.* 96-106.]

1699.
May 16.
Bermuda.

392. Edward Randolph to the Council of Trade and Plantations. Yesterday I attended Governor Day with a new collector I deputed to supply a vacancy by the death of the former. He told me he had appointed one the day before; that the Commissioners had no power to appoint one here. He has got into his hands some blotted rough drafts of my letters to your Lordships. He treated me with worse than Billingsgate language for giving that account. He sits in Court, and so overawes the people that they dare not speak the truth. I received a paper last night (copy enclosed). I find thereby he intends to prosecute me as a criminal for writing truth to you. He has threatened to ruin me by imprisonment and all other vigorous ways, and turned the chief men out of his Council and furnished himself with others for his turn, and has made his Naval Officer to be his collector. 'Tis a long voyage from hence to London and not above two or three vessels go thither in a year. I foresee nothing but rotting in a gaol, which is an unhappy reward for my many years' past services for the Crown. It was my misfortune to be imprisoned with Sir Edmund Andros, the Governor, and many of the Council nigh 12 months in Boston, and had continued there longer but for H.M. express orders. I have none to apply to for redress but your Lordships and pray you to move His Majesty that a vessel may be forthwith despatched hither with orders to the Governor to send me home and that Gilbert Nelson, William Outerbridge, John Brookes and Roger Crane, my chief prosecutors, may be ordered to attend at Whitehall and to prove to my face the cause for which I am so inhumanly put in prison. I am assured they are resolved to do it to-day. The Governor told me he had sent over a great many depositions against me. No man of understanding here will credit the oaths of Nelson, etc. 'Tis true they are of the Council, but I have known in such cases that the Governor has been expressly ordered to make choice of others in their absence. Unless this injustice to me is effectually remedied, no man fit for business will ever after serve His Majesty in his foreign and remote plantations. *Signed*, Ed. Randolph. *Endorsed*, Recd. Aug. 2. Read Aug. 21, 1699. 1½ *pp. Holograph. Enclosed*,

392. I. Abstract of above, 1 *p.*

392. II. Copy of summons to Ed. Randolph to appear before the Governor at the Sessions House in St. George's, May 15, 1699. ½ *p.*

392. III. Copy of warrant for imprisonment of Ed. Randolph, May 16. ¾ *p.* [*Board of Trade.* Bermuda, 3. *Nos.* 37, 37 I.-III.; *and* (*without enclosures*) 29. *pp.* 200-202.]

May 16.
St. George's,
Bermuda.

393. Commitment of Edward Randolph, for writing and contriving several false and dangerous papers, words, reports and expressions by him secretly and maliciously spoken and expressed towards his Excellency, to the custody of the Provost Marshal, Roger Crane, Esq. *Signed*, Charles Minors. *Copy, certified by* E. Jones. [*America and West Indies.* Bermuda, 477. *No.* 57; *and* 39. *p.* 11.]

1699.
May 16.
Whitehall.

394. Council of Trade and Plantations to Mr. Vernon. By our letter of March 27 last we acquainted you with some advices we had received from Sir Wm. Beeston, L. G. of Jamaica, and from the President and Council of Nevis, relating to the conduct of the Spaniards towards His Majesty's subjects and their ships in those parts. We now send you a letter from Mr. Burt, President of the Council of Nevis, enclosing depositions bearing on that matter. *Signed*, J. Bridgewater, Ph. Meadows, Wm. Blathwayt, Jo. Pollexfen, Abr. Hill. [*Board of Trade.* Leeward Islands, 45. *p.* 362.]

May 16.

395. Minutes of Council of Barbados. The Jews' petition against the Supplemental Bill of the provision of white servants was ordered to lie upon the table till the Bill was read. The Captain and the Lieutenant of the *Dolphin* were heard by Counsel and the whole proceeding was ordered to be sent home. The Purser to be confined to his ship and a survey of his goods taken. The Master owned that he was in drink when he signed the petition, and begged pardon; the Purser owned he could not justify his charges. Capt. Phillips' petition relating to servants brought over by him referred to the General Assembly. [*Board of Trade.* Barbados, 65. *pp.* 396, 397.]

May 16.

396. Journal of Assembly of Barbados. Bill for Provision of Servants was resumed with amendments and the answer to them taken into the Council. Capt. Phillips' petition that servants imported in his vessel be taken off his hands laid by. [*Board of Trade.* Barbados, 65. *pp.* 412, 413.]

May 16.

397. Minutes of Council of Massachusetts Bay. Dame Mary Phips, of Boston, granted licence to build a house of timber on the place where Capt. Daniel Henchman formerly built a brewhouse.

10*l.* gratuity ordered to Josias Johnston, who gave information leading to the discovery of money left in the custody of Nathaniel Niles of Point Judith by one of Bradish's gang. [*Board of Trade.* New England, 49. *p.* 207.]

May 16.

398. Minutes of Council of Virginia. Letter ordered to Richard Johnson, who was absent through sickness, desiring him to attend as soon as possible. Petition of Anthony and Anne Holliday referred to Mr. Attorney General. Lewis Knott admitted to be a pilot for Nansemund River. As another Session of the General Assembly could not well be held before Sept. 1700, it was recommended to the Burgesses to provide for all contingencies of the Government till that time.

May 17.

Information having been laid against Samuel Hill and John Read, and John Lucas senior and junior, as Papists disaffected to the Government and guilty of divers illegal practices, ordered that the oaths be tendered to them, and, if they refuse, that Mr. Attorney General proceed against them. On the Attorney General's report on the complaint of the Hollidays that Samuel Hill and John Read had surreptitiously procured themselves to be assigned guardians to Mary Brewer, an infant, grand-daughter of Anne Holliday, they being Popish recusants, who had been endeavouring to carry the infant into Maryland that she might there be married to a professed Roman Catholic, ordered that the County

1699.

Court of Warwick appoint such guardians as they think fit to take care of the said orphan and her estate till next General Court; the infant is to be in the care of her grandmother till that is done. Letter of the Lords of the Treasury Nov. 15, 1694, directing the hiring of a cruising sloop to watch the coast of Virginia, read: resolved, that there was no need to do so, two such vessels in the past having merely detained fair traders and never detected any unfair traders. These proceedings ordered to be laid before the Burgesses. Proclamation against corresponding with the Scotch ordered to be sent to the Collectors and Naval Officers. The Instructions not to act without a quorum of five Councillors being difficult to comply with, a representation to the King to that effect recommended.

May 18. Letters concerning undue practices at an election for Nansemund County referred to the Burgesses. [*Board of Trade.* Virginia, 53. *pp.* 253-258.]

May 17. **399.** Journal of House of Burgesses of Virginia. Mr. James Blaire, President, Mr. Mongo Ingles, Humanity Professor, Mr. John Hodges, Usher, and 4 of the scholars of the Royal College of William and Mary presented an address. Bill for ascertaining the value of money read a first time. The amended Bills against blasphemy and undue elections were ordered to be engrossed. The petition of the Churchwardens of James City parish was rejected. Propositions of Col. Cadwallader Jones and other papers relating to the Indian Trade referred to the Committee of Grievances.

May 18. Mr. Rice Hood was sworn a member. The Governor's answer
May 19. read. (*And see preceding abstract under date.*)

Bill declaring Negro, Mulatto and Indian women titheable read a first time. Bill for encouraging a trade with the Western Indians that lie behind Virginia and Carolina by granting the sole trade for a certain number of years to a certain number of Adventurers ordered to be prepared. Bills to ascertain the value of coins, about deer, and to prevent discontinuance of courts, and about hog stealing, whales, juries and privateers read a second time and ordered to be engrossed. Bill limiting appeals to the General Court read a second time, and referred with amendments to the Committee for Revisal of Laws. Bill for taxing servants committed with amendments. Bills prohibiting export of old iron and for erecting pounds read a second time, and, after debate, dashed. Bill prohibiting export of corn read a second time, with amendments, and ordered to be engrossed.

May 20. Instructions of Lords Justices considered. Messrs. Mason, Hollyday and Gough granted leave for a short time to go home. [*Board of Trade.* Virginia, 52. *pp.* 410-423.]

May 17. **400.** Minutes of Council of Barbados. Thomas Sadleir, chief Baron of the Exchequer, was made President of the Grand Sessions. In order to form the forces of the island His Excellency recommended the Colonels of Militia to take out new commissions for their officers. The Assembly waited on His Excellency and desired a free conference about the Supplemental Act for the provision of servants. After some debate the proposed amendments were mostly agreed to. [*Board of Trade.* Barbados, 65. *p.* 397.]

1699.
May 17. **401**. Journal of Assembly of Barbados. The Council and Assembly resolved into a grand Committee of both Houses and discussed the Supplemental Act for the provision of servants. The Bill was sent back with amendments. [*Board of Trade.* Barbados, 65. *pp.* 413, 414.]

May 17 Whitehall. **402**. Journal of Council of Trade and Plantations. Letter from Mr. Secretary Vernon about Admiralty passes for Plantation ships read and answer directed.

Copies of Orders of Council Jan. 5, relating to the Jamaica Laws, read. Ordered accordingly.

Several letters and documents relating to the Government of Virginia read.

May 18. Their Lordships deliberated upon the matters in agitation between H.M. Commissioners and those of France relating to the affairs of America.

Ordered that Sir Edmund Andros be desired to attend to be advised with as to the necessity of building a fort at Pemiquid.

Duplicate of letter from Mr. Burt received and enclosure delivered to Mr. Secretary Vernon.

Representation about Martial Law upon soldiers in pay transmitted to Mr. Vernon. Letter to him about passes signed and sent.

Representation upon the appeal of Mr. Robert Chaplin directed.

Representations upon the Acts of Barbadoes, Aug. 9—Sept. 27, and the settlement of Tobago, signed and sent to the Council Board.

The Memorial of Major Richard Ingoldsby, praying for leave to remain in England till he received his pay, agreed to. [*Board of Trade.* Journal 12. *pp.* 43-48; *and* 96. *Nos.* 80, 81.]

May 18. Whitehall. **403**. Council of Trade and Plantations to Mr. Secretary Vernon. In answer to your letter of May 15, we acquainted the Lords of the Admiralty, Feb. 8, with our opinion that notices might be given by them in print that Passes would be granted by that Board, according to the rules then under consideration, to such persons as should desire them. If such printed advertisement in the Gazette or otherwise be not thought convenient, we conceive it may be proper that the Admiralty do cause some papers to that purpose to be affixed upon the Exchange of London, and further that the Commissioners of Customs be desired to send some copies of the same papers to their officers in the Out Ports to be communicated to merchants there. *Signed*, J. Bridgewater, Tankerville, Ph. Meadows, Wm. Blathwayt, Jno. Pollexfen, Abr. Hill. [*Board of Trade.* Trade Papers, 14. *pp.* 276, 277.]

May 18. Nevis. **404**. President and Council of Nevis to Mr. Secretary Vernon. Your letter of Nov. 23, in relation to that notorious pirate Captain Kidd came safe to our hands, and (we) shall take particular care to put the same in execution, and in order thereunto have sent copies to the Lieutenant or Deputy Governor of each respective island under this Government. Since which we have had this following account of the said Kidd, viz., that he lately came from Madagascar in a large Genoese vessel of about 400 tons, 30 guns mounted and eighty men, and in his way for these parts his men mutinied and 30 of them lost their lives, that his vessel is very leaky and that they are very much in want of provisions, and that several of his men have deserted him so that he has not above twenty-five or thirty hands on board. About 20 days since he touched at Anguilla, a small island under this Government, where he tarried about four hours, but being refused succour sailed thence for the island of St. Thomas (an island belonging to the Crown of Denmark) and anchored off that harbour three days; in which time he treated with them also for relief, but the Governor absolutely denying him, he bore away further to leeward, as 'tis believed, for Porto Rico or Crabb Island, upon which advice we forthwith ordered H.M.S. *Queenborough* now attending this government, Captain Rupert Billingsby, Commander, to make the best of his way after him and in case he met him to secure him with his men, vessel and effects, and bring them up hither, that no embezzlement may be made, but that they may be secured till we have given you advice thereof and His Majesty's pleasure relating thereto can be known. We shall by the first convenience transmit the like account of him to the Governor of Jamaica, so that if he go further to leeward, due care may be taken to secure him there. As for those men that have deserted him, we have taken all possible care to apprehend them, especially if they come within the districts of this government, and hope on return of His Majesty's frigate shall be able to give you a more ample account hereof. *Copy. Signed,* Wm. Burt, Mich. Smith, Jno. Smargin, Richd. Abbott, Dan. Smith. *Addressed and sealed.* [*Board of Trade.* Leeward Islands, 6. *Nos.* 21 *and* 21I.; *and* 46. *pp.* 16, 17.]

May 18. Kensington. **405.** Order of King in Council, remitting the fine of £100 laid upon John Lucas by a Court of General Sessions, Antigoa, June 1698. *Copy. Signed,* Edward Southwell. *Endorsed,* Recd. May 27. Read June 27, 1699. [*Board of Trade.* Leeward Islands, 6. *No.* 22; *and* 45. *p.* 367.]

May 18. Nevis **406.** President and Council of Nevis to James Vernon. We received yours of Jan. 2 concerning the Scotch ships that arrived at the island of St. Thomas with intention to settle in these parts. We sent copies of his Majesty's instructions to the Lt. or Dep. Governors of each island under this government, and have ordered the publication of them. A gentleman in this island having lately received a letter from a gentleman at Jamaica, wherein there is a paragraph that gives a more full and plain accompt of the Scotch settlement than we have hitherto heard, we thought it necessary to enclose a copy. *Signed,* Wm. Burt, Mich. Smith, Dan. Smith, Jno. Smargin, Richd. Abbott. *Addressed and sealed. Endorsed,* R. July 13, 1699. *Enclosed,*

406. I. Extract from letter:—The Scotch settlement in the Bay of Darien is the only news and discourse of these parts. They are sate down over against Golden Island on the Continent, and have pitched on the best harbour and richest country in the world both in gold and all other necessaries for the use of man. I have seen some of the ore, which is almost pure gold of the value

of 23 carats. They are kindly received by the Indians, and are building a fortification of 70 guns. We have yet no certain accompt of what hath passed between the Spaniards and them, but this we know, they are not in a condition to give them any disturbance, 'tis what the Scotch wish for, they only wanting a good occasion to quarrel with them. They are but two days' journey from Panama, and have a very good harbour in the South Sea, by which in time they will command the China trade as well as the East India. We daily expect the return of some sloops lately sent thither. The French have made or are about to make just such another settlement on a river they call Colebert, which lies in the bottom of the Bay of Mexico and is within thirty leagues by land of the Rich Mines of St. Barbe. [*Board of Trade.* Leeward Islands, 6. *Nos.* 22 A., 22 A I., *and* 22 A II., 22 A III., *duplicates.*]

May 18. Whitehall. **407.** Council of Trade and Plantations to James Vernon, covering letter enclosing Representation to the King.

407. I. We humbly lay before your Majesty draughts of instructions, which we have prepared in accordance with your Order in Council, April 27, for the Governors of Plantations in respect of soldiers in pay. *Signed,* J. Bridgewater, Tankerville, Ph. Meadows, Wm. Blathwayt, Jno. Pollexfen, Abr. Hill. [*Board of Trade.* Plantations General, 35. *pp.* 42, 43.]

May 18. **408.** Minutes of Council of Barbados. The petition brought by Duffey against Chamberline was rejected. Capt. Thomas complained that two Bills of Exchange drawn for credit given to the King's shops had not been accepted by the Victualling Office. Letter to the Lords of the Treasury, explaining the necessity there was of advancing this money, ordered by the Board. Judge Buckworth's account ordered to be recommended to the Assembly. The Supplemental Act for the Provision of White Servants was brought in by the Assembly. Amendments were read and agreed to and the Bill passed. [*Board of Trade.* Barbados, 65. *pp.* 397, 398.]

May 18. **409.** Journal of Assembly of Barbados. Supplemental Act for the Provision of Servants was passed and taken up to the Council. The Speaker reported that His Excellency recommended the appointing a troop of Guards as had been accustomed to other Governors. Address to the Governor drawn up in that sense. [*Board of Trade.* Barbados, 65. *pp.* 414, 415.]

May 18. Kensington. **410.** Additional instructions for Ralph Grey, Esq., our Captain General and Governor-in-Chief of Barbados, Sta. Lucia, Dominico, St. Vincent's and the rest of our Carribee Islands in America lying to windward of Guardaloupe. Whereas by a clause in your Commission there is a power vested in you to execute Martial Law in time of invasion, insurrection or war, as also upon soldiers in pay, which implies a power of executing such Martial Law upon soldiers in pay even in time of peace, in the present time of peace we have thought fit that the words *as also upon soldiers in* *pay* be omitted in the like Commissions: yet nevertheless it being necessary that care be taken for the keeping of good discipline amongst the soldiers in pay that are now in any of our Plantations or that we may at any time hereafter send thither, which may be provided for by the Legislative Power in each of our said Plantations respectively, Our Will and Pleasure is, that you forbear in time of peace to put the power conferred upon you by the aforementioned words in execution, And that you recommend unto the General Assembly of our said Island at such time as you shall find necessary the passing of such Act for the punishment of Mutiny, Desertion and false musters and for the better preserving of good discipline amongst soldiers in pay as may best answer these ends. [*Board of Trade.* Barbados. 44A. *pp.* 266-268; *and* 65. *p.* 478.]

May 18. **411.** Similar letter, *mutatis mutandis*, to Governor Day of the Bermuda Islands. [*Board of Trade.* Bermuda, 29. *pp.* 132, 133.]

412. Similar letter, *mutatis mutandis*, to Lord Bellomont, Governor of New York and New Hampshire. [*Board of Trade.* New York, 53. *pp.* 298, 299; *and* 8A. *No.* 44; *and* New England, 37. *pp.* 139, 140.]

413. Similar letter, *mutatis mutandis*, to Governor Blakiston of Maryland. [*Board of Trade.* Maryland, 9. *pp.* 375, 376.]

414. Similar letter, *mutatis mutandis*, to Governor Nicholson of Virginia. [*Board of Trade.* Virginia, 37. *pp.* 314, 315.]

415. Similar letter, *mutatis mutandis*, to Governor Sir William Beeston of Jamaica. [*Board of Trade.* Jamaica, 56. *pp.* 316, 317.]

May 18. Bermuda. **416.** Governor Day to the Council of Trade and Plantations. I have discovered the pernicious and corrupt practices of Mr. Randolph, Surveyor-General of the Customs, to bring me into disfavour with you. I send you copies of some rough drafts of his letters which have come into my hands. In his letter to the Commissioners of Customs he says that he was intended for Providence, but that the sloop went without him for fear of being stopped, which is altogether untrue, for he was with me when the sloop was cleared, and took his ticket himself and his leave of me for Providence, and the owner and he went out of my house together to go directly on board to sail within half an hour. As to Mr. Trott, late Collector, since he is dead I shall only say that, in respect he was deputed by the Commissioners to that office, I restored him to the execution of it upon my arrival. Upon his death I put in Mr. Thomas Brook, who had late been Collector and kept very regular books and accounts. Mr. Trott's imprisonment by Col. Goddard was the effect of his contempt of authority. If Mr. Randolph had signified his desire to me of any lawful publication to be made in the Churches I should have readily given him my order, but he never applied. The sugar he mentions was landed here by Capt. Briscoe, of the *Sun* prize, for relief of his men, who came here in extremity, as shown by the rough draft of Mr. Randolph's first letter. Besides, Capt. Briscoe made a tender of the Customs of the same to Mr. Randolph, who refused it, as it was done for H.M. service. The falsity of the pretended deposition by Samuel Stone will appear by Stone's enclosed attestation. As to the depositions sent by Col. Goddard, I know nothing. Of Mr. Nelson, a resident here for some years, I have had the account of his being a very sober honest gentleman and he was nominated a Councillor in H.M. Instructions to me, and by the experience I have had of him he is a person of parts, of great loyalty and understands the law in some measure, and so esteemed him the fittest for the office of a judge that I could find in these islands. As to what is alleged (May 2) very unjustly about the Statute of Habeas Corpus I refer you to the proceeds at large herewith sent. According to the law, an appeal was craved by and granted to the defendants by the Judge of Assizes to the Governor and Council as a Court of Chancery, and accordingly Bills were filed against Mr. Trott, who praying for further time to file his answer, the defendants moved that in the meantime an injunction might be granted to stay execution for costs at Common Law. As to the suggestion that I would not suffer the justices to take any depositions, I send the certificate freely signed by them. I have discovered that Mr. Randolph hath given out that I or Roger Crane hath taken two tun of logwood of one Mr. Cholwell, who lately arrived here, for fees and port charges of his vessel. He came into these islands in great distress and asked leave to unlaid and refit his vessel, and to dispose of some of his cargo to raise money for his occasions, and sold two tun accordingly to Roger Crane, who really paid for the same. I only took care that he entered into bond with security for landing his goods in England, which he being a stranger found great difficulty to procure, but having given such bond he had immediately his clearings and dispatches from these islands without any delay or charges. As to wasting H.M. stores, I beseech you to have a better opinion of me, when you have considered the Sheriff's attestation, who is always the Keeper of the Stores.

The people here are at a stand to whom they ought to yield their obedience, Mr. Randolph pretending great power and authority, and that H.M. Governors must be accountable to him, and using them in a very strange manner, not sparing to call them villains and rogues. Under such misfortunes long have these islands groaned by such undertakers, who want not the encouragement of some disquiet men, namely Anthony White, Charles Walker, John Dickenson and Capt. Thomas Harford, who have had frequent consultations with this calumniating and dangerous man. I imparted his letters and papers to the Council, who took his examination before them. He could not deny the charge, but chiefly insisted that he had power to call the Governor to account. He was committed and remains in custody till he be delivered by due course of law.

I have taken several parcels of the clippings of the currant money of these islands and sent one ounce weight out of 14 found with one person, hoping it may move you to provide a speedy and suitable remedy to such exorbitant practices. I have several persons in gaol on this occasion. On having made diligent search into these matters and into the king's lands and slaves so long concealed and detained, several discoveries have been made and informations exhibited in the Court of Exchequer. And in prosecution hereof I have discovered a great uneasiness in several persons, especially in the persons before named; Mr. Dickenson, as I am informed, having some small time since carried to England about a bushell of clippings, as I doubt not Capt. Benjamin Stow can give you some account; and Mr. Walker is the person who acts for Mr. Noden, who formerly purchased the regicides' lands in these islands, and on his account hath disposed of several shares of the same. He is very uneasy and tells me he will spend £2,000 but he will remove me from this Government. *Signed*, Sam. Day. I send this by the *Experiment*, Capt. Samuel Kempthorne, bound direct for London, who is a person of great experience in these American parts, and can give you a full account of these islands. *Endorsed*, Recd. June 30. Read July 4, 1699. 3¾ *pp.* *Annexed*,

416. i. Abstract of above. 1½ *pp.*

416. ii. List of papers enclosed. 2 *pp.*

416. iii. Copy of letter from Mr. Randolph to the Commissioners of Customs. Attested by John Trott. 2 *pp.*

416. iv. Copy of letter from Mr. Randolph to Mr. Salvage, May 2. Written by John Trott, who swears to the same. 1 *p.*

416. v. List of papers desired by Mr. Randolph from the Secretary of the Islands. 1¼ *pp.* Attested by John Trott, son of Samuel Trott, deceased.

416. vi. Copy of Gov. Day's Commission to Thomas Brook to be Collector of the Customs. 1 *p.*

416. vii. Copy of Mr. Randolph's letter, Ap. 5, to Mr. Salvage of the Custom house, London. ¾ *p.*

416. viii. Copy of the attestation of Samuel Stone in contradiction of what Mr. Randolph wrote about the sugar on board Capt. Briscoe's ship. ½ *p.*

416. ix. Copy of attestation of Zachariah Briggs in contradiction of what Mr. Randolph wrote about Isaac Cholwell's Logwood ship. ½ *p.*

416. x. Copy of proceedings at the Assizes between Samuel Trott and Gilbert Nelson. 2 *pp.*

416. xi. Copy of the proceedings at the Assizes between Samuel Trott and Stephen Crow. 1½ *pp.*

416. xii. Copy of proceedings at the Assizes between Samuel Trott and Joseph Darrell. 3 *pp.*

416. xiii. Copy of the attestation of several Justices of the Peace that the Governor did not forbid their taking depositions. *Signed*, John Gilbert, Smith's Tribe; Gilbert Nelson, town and parish of St. George; William Outerbridge, Hamilton Tribe; Samuel Sherlock, Devon Tribe; Thomas Burton, Pembroke Tribe; John Brooke, Pagitt's Tribe; William Tucker, Warwick Tribe; Wm. Keele, Southampton Tribe; Thomas Forster, Somerset or Sandys Tribe. 1 *p.*

416. xiv. Copy of Attestation of the Provost Marshall that the stores have not been wasted. *Signed*, Jonathan Warde. ½ *p.*

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416. xv. Copy of Mr. Randolph's Mittimus. May 16. 1 *p.*
416. xvi. Copy of the deposition of John Trott as to Mr. Randolph's letters. 1 *p.*
416. xvii. Mr. Day's certificate to the preceding papers. ½ *p.* [*Board of Trade.* Bermuda, 3. *Nos.* 39, 39 i.-39 xvii.; *and* (*without enclosures*) 29. *pp.* 161-170.

May 18. **417.** Copy of No. 416 xiii. [*Board of Trade.* Bermuda, 39. *p.* 17.]

May 18. Kensington. **418.** Order of King in Council, for the preparation of a commission for Edward Jones to be Secretary and Provost Marshall of the Bermuda Islands, with a clause of residence. *Signed,* Edward Southwell. *Endorsed,* Recd. May 27, Read June 7, 1699. 1 *p.* [*Board of Trade.* Bermuda, 3. *No.* 38; *and* 29. *pp.* 133-135.]

May 18. **419.** Petition of Major Richard Ingoldsby, captain of a company at New York, for H.M. leave to stay some further time in England. His pay is in arrears some 30 months' subsistence. *Copy.* ¾ *p.* *Endorsed,* Recd. Read May 18, 1699. [*Board of Trade.* New York, 8 a. *No.* 31.]

May 18. Whitehall. **420.** Council of Trade and Plantations. Representation upon the petition of Sir William Waller relating to the settlement of Tobago. We have considered the petition and the papers laid before us. The matter has been fully enquired into and debated by the late Committee of the Council of Trade and Plantations, it appearing to us by the books remaining in our hands that in Nov. 1686, Monsr. Blumberg, then Agent for the Duke of Courland, having in the name of the said Duke presented to the late King James a memorial that he would permit a small number of English families to contract with him in order to their settling upon the island of Tobago, in conjunction with some of the said Duke's subjects, and that they might be assisted with necessaries from the Island of Barbados, the foresaid Committee of Plantations did thereupon prepare a State of the English title to the said Island together with an answer to Monsr. Blumberg's said memorial, which was accordingly delivered to him, of both which papers we have hereunto annexed copies. And finding thereby that the said Duke had not observed the conditions of the grant made unto him by the late King Charles II. in 1664, either by settling the same and causing it to be inhabited by English and Courlanders or by furnishing a ship of war to his said Majesty, or by restraining the trade thereof to England, Courland and Dantzig, as had been stipulated; for which and other reasons the then Attorney-General did declare the said grant to be void in law, and the late king thereupon also declared that he did not hold himself obliged to allow the Duke of Courland's title, nor to permit his subjects to settle that island, adding further that if it were settled by foreigners, it would not be lawful for any other of his Majesty's Plantations in America to trade with them, or if settled by English it would be equally unlawful for them to trade with any foreign State or Country. Upon all which accounts the matter then proposed was judged impracticable, we therefore humbly represent to your Majesty that not only the proposed settlement of that

Island seems thereby to have received a final determination and that therefore the renewal of the same by M. Blumberg or others under him is altogether unreasonable, but also that the execution of their project would prove very prejudicial to the Trade of Barbados, and to the better settlement of the other Carribbee Islands and to your Majesty's Revenue arising from the same, and thereupon are humbly of opinion that the said settlement ought not to be encouraged or allowed of. *Signed*, J. Bridgewater, Phil. Meadows, Wm. Blathwayt, John Pollexfen, Abr. Hill. [*Board of Trade.* Barbados, 44 A. *pp.* 268-271.]

May 18. **421**. Memorandum. The papers annexed were, His Majesty's Title to Tobago (Cal. A. and W. I., 1686, No. 1033), and A paper presented to M. Blumberg (Cal. A. and W. I., 1686, No. 1034). [*Board of Trade.* Barbados, 44 A. *p.* 272.]

May 18.
Kensington.
422. Order of King in Council. His Majesty does not think fit to allow of a settlement of a plantation upon the island of Tobago, forbidding all persons to proceed on that design either from England or any other place. The Governor of Barbados is to have notice to discourage any undertaking in that behalf within his Government, and to hinder the carrying any person or goods from thence to the said island of Tobago. And the Lords Commissioners of Trade and Plantations are to give notice to the Governor of Barbados of His Majesty's pleasure herein accordingly. *Signed*, Edward Southwell. *Endorsed*, Recd. June 19, Read June 20, 1699. [*Board of Trade.* Barbados, 8. *No.* 5 ; *and* 44 A. *p.* 286.]

May 18.
Whitehall.
423. Representation of Council of Trade and Plantations upon the Acts passed in the General Assembly of Barbados, Aug. 9-Sept. 27th. The Act to ascertain the powers of the Assembly does not appear to us necessary nor likely to have ever been passed in any other of the Plantations. The Act for reviving an imposition on wines is temporary and already expired. The rest we recommend for his Majesty's assent. *Signed*, Ph. Meadows, Wm. Blathwayt, John Pollexfen, Abr. Hill. *Annexed*, List of Acts. [*Board of Trade.* Barbados, 44 A. *pp.* 272-276.]

May 18.
Kensington.
424. Order of King in Council, repealing the Act passed by the Governor, Council and Assembly of Barbados, entitled an Act to declare and ascertain the rights and powers of the General Assembly of this Island. *Signed*, Edward Southwell. *Endorsed*, Recd. May 27. Read June 7, 1699. [*Board of Trade.* Barbados, 8. *No.* 3 ; *and* 44 A. *pp.* 282-284.]

May 18.
Kensington.
425. Order of King in Council confirming the Act lately passed in the General Assembly of Barbados granting £2,000 to the Governor, Mr. Grey, and ordering the Treasurer of the island to pay the same. *Signed*, Edward Southwell. *Endorsed*, Recd. May 27. Read. June 7, 1699. [*Board of Trade.* Barbados, 8. *No.* 4 ; *and* 44 A. *p.* 285.]

May 18.
Philadelphia.
426. Robert Quary to the Council of Trade and Plantations. This is now the 6th time I have troubled you without receiving any instructions. By some late account from Mr. Penn to those in the Government here, he acquaints them of several complaints sent

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home against them which he hath (as they say) blown of(f), which causes great joy amongst them. It is the general discourse that Mr. Penn hath greater interest at Court now than ever he had in King James' reign, so that they conclude that no complaint against them can be heard. And truly, if affronting His Majesty in their open Courts, if forcibly taking prohibited goods under seizure out of the King's stores and delivering them to the person that illegally imported them without any trial, if delivering ships under seizure by the King's officer for loading tobacco without giving bond or security and before any trial, which is matter of fact done by Mr. Pen's Governor for a very valuable consideration, the depositions of all which was sent home, if making an Act of Assembly in opposition to an Act of Parliament of England on purpose to destroy the powers of the Admiralty and erecting a Court of Admiralty of their own for seizing and trial of ships, which accordingly they have executed—if these and abundance of other matters formerly laid before you are so easily blown off, I know not what it is they may not pretend to do in this Government. I have found the effects of it already. Last week here was a ship seized for not having a Registry. I held a Court of Admiralty: the ship and goods were condemned: they moved for an appeal. I told them an appeal did lie to the High Court of Admiralty of England and the ship and goods meanwhile should be kept safe. They moved that they might have all delivered to them on bond to prosecute the appeal. I told them that bonds signified nothing here, since they could not be sued in this Government, there being several of the king's bonds due and though several applications hath been made on behalf of his Majesty to this Government, yet they will not let them be put in suit, under pretence that here is no Attorney-General for the king. It is therefore but abusing the king to take more bonds, but upon their motion that some of the goods were perishable, I told them that I would grant a warrant of appraisement and order the delivery of all in case they would deposit the value in Court. Whether they will comply I know not. I beg your directions in this case. At the trial of the ship there appeared all the Justices of this place in behalf of the Master; some of them were pleased to threaten and abuse the officers of the Court. Mr. David Lloyd in particular declared in open Court that we did not sit there by the king's Commission. He is the same person that affronted his Majesty in open Court before, and since Mr. Penn's news of blowing off all the charges they have preferred him to several places of trust and profit in this Government. Their threats have already so far prevailed that the Register tells me he will act no more; and Mr. John Moor, hitherto King's Advocate and the only person fit to serve his Majesty in that station, is very uneasy. He was prevailed on by Governor Nicholson to act contrary to his interest on the expectation of some encouragement he proposed, but hath not yet heard about from your Lordships. Besides being threatened and affronted by the Government he finds himself turned out of all his practice in their Courts, and all for serving the King. I have prevailed with him to continue a little longer until we can hear from you. If the officers do quit it will be impossible to get others.

They have brought an action against the Marshal of the Admiralty for having the prohibited goods that were seized in the King's store. He expects every day to be thrown into gaol. I humbly propose that, if you think Gov. Nicholson is at too great a distance, you will empower the Governor of Maryland, who is altogether a stranger to me, to examine and report all things to your Lordships. I have always been ready to do Mr. Penn all the services I could; I represented all things to his advantage when there lay several heavy charges before you against his government, and I should never have executed the powers of the Admiralty Commission had it not been for his importunity and solemn assurances that his government should assist me in serving the King's interest here, and that all the former abuses should be remedied. No part of which promise hath been performed, but all illegal trade has been encouraged more than ever. The very J.P. who took the goods forcibly out of the King's store and erected a new Court of Admiralty is the man that shipped off lately 16 barrels of cut tobacco in flour barrels to Boston which by chance were seized there. It is impossible to secure the trade of this place without a small vessel of force. The great price tobacco yields here encourages the country to plant more than ever. It hath been sold here this year for above 30*s. per ct.*, which is far more than the best of Virginia and Maryland, though that of this country is not half so good. The reason is from the advantage of illegal trade. Since the late assurances from Mr. Penn they are more obstinate than ever in their illegal practices and refuse to deliver either the prize goods which they detain, or any part of the goods they took out of the King's store. *Signed*, Robert Quarry. *Endorsed*, Recd. July 28, Read Aug. 2, 1699. 4 *pp. Holograph. Enclosed*,

426. I. Abstract of preceding letter. 1¼ *p.*

426. II. Proceedings of the Court of Admiralty in Pennsylvania relating to the *Providence*, John Lumby, Master. *Signed*, Moore. 4 *pp.*

426. III. and IV. Proceedings of the Court of Admiralty, Philadelphia, May 12 and 13, 1699, on the petition of John Lumby relating to the *Providence*, and also to Justice Morrice's forcing goods under seizure out of the Marshal's hands and the Sherif and Governor not delivering some prize goods as ordered. 7 *pp.* [*Board of Trade.* Proprieties, 3. *Nos.* 28, 28 I.-IV.; *and* (*without enclosures*) 26. *pp.* 11-20.

May 19. Whitehall. **427**. Journal of Council of Trade and Plantations. Letters and papers from Col. Nicholson, Feb. 4 and 27, read. Answer directed. Laws of Maryland, Oct. 1698, ordered to be sent to the Attorney-General.

Memorial of Sir Bartholomew Gracedieu and others, presented by Mr. Gilbert Heathcote relating to the non-residence of Patent Officers in Jamaica read. Ordered that the persons named, George Golding, Robert Clowes, Leonard Compier and John Babor be summoned to attend the Board.

Letter from Governor Sir William Beeston, Feb. 8, read. Ordered that the Acts of Jamaica, Dec. 1698, be sent to the Sollicitor-General. [*Board of Trade.* Journal, 12. *pp.* 48-52; *and* 96. *No.* 82.]

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May 19. **428.** Petition of Agents, Merchants and Planters of Jamaica to Council of Trade and Plantations. Contrary to his Majesty's Order in Council, Feb. 16, the Patent Officers, George Goulding, Provost Marshall General; Robert Clowes, Clerk of the Supreme Court; Leonard Compeer, Receiver General; and John Baber, Secretary, are still residing in England. We petition that they may be obliged to reside in the island. *Signed*, Benj. Way, Francis Cuddon, Ste. Mason, Lawrence Prince, Eben. Gatton, James Pinnock, jun., John Brooks, Edw. Broughton, Laur. Galey, Robt. Walker, E. Mall, Nath. Micklethwaite, John Bernard, Dan. Westall, Stephen Style, Bartho. Gracedieu, Gilbert Heathcote, Ja. Saunders, Richard Bell, Josias Wordsworth, Tho. Chambers, John Blackstone, Robt. Wilsonn. *Endorsed*, Recd. Read May 19, 1699. [*Board of Trade*. Jamaica, 8. *No.* 114; *and* 56. *pp.* 322-323.]

May 19. **429.** William Popple to Sir John Hawles. I send you some Acts passed in the General Assembly of Jamaica in Dec., 1698, upon which, as also upon those of New York, New England, the Leeward Islands and Pennsylvania formerly sent, your opinion is desired. List of six Acts. (1) To continue the additional duty. (2) To oblige and enable several parishes to raise levy, collect and pay in their taxes and arrearages arising by former Acts. (3) To confirm and secure titles to estates. (4) To appropriate £1,500 to the use of the Rt. Hon. Sir Wm. Beeston, knight. (5) To enable trustees to sell part of the land of James Crips, deceased, to discharge a mortgage. (6) An Act of favour to Capt. Usher Tyrrel in consideration of his sufferings by the French. [*Board of Trade*. Jamaica, 56. *p.* 321.]

May 19. **430.** Minutes of Council of New York. The L.G. proffered to take the oath appointed. Payment ordered to Arnout Cornelise Viele, the interpreter. Instructions drawn by the Attorney-General to acquaint the Maquaes that the patent of their land is vacated and Mr. Dellius is suspended. Petition of Jacob Garriot referred to the Justices of the County of Richmond. [*Board of Trade*. New York, 72. *pp.* 243-245.]

May 19. Whitehall. **431.** William Popple to Sir Thomas Trevor. The Lords Commissioners for Trade and Plantations command me to send you the Acts past in Maryland, Oct. 1698, and to desire your opinion, not only upon them, but upon the former laws of that Province, for want whereof they have not been able to make any report upon any of the laws of the Province, ever since their receiving their commission. List of Acts annexed. [*Board of Trade*. Maryland, 9. *pp.* 377-379.]

May 19. **432.** Minutes of Council of Virginia. Petition of Francis Dance against Sampson Dorrill referred to the Attorney General; that of Richard Kitson for the hire of his sloop in H.M. service, and of Abiah Merchant, widow, complaining that she pays quit-rents twice over, to the Auditor.

A warrant ordered to Major Thomas Swann to summon witnesses in the Nansemund affair to appear before George Nasworthy, J.P. John Taylor, being acquitted of the charge of perjury, his suspension from the office of Clerk of Charles City County was revoked.

1699.
May 20. Proclamation for the apprehension of seamen deserting the *Essex* prize signed. Warrant for £17 3*s.* to Richard Dunbar, signed. [*Board of Trade.* Virginia, 53. *pp.* 258-261.]

May 20.
Maryland.
433. Governor Blakiston to Council of Trade and Plantations. I hope you will approve of my action in not convening the Assembly sooner that the 28th of next month for the reasons given in my last. I have not received any directions from your Lordships, but two from Mr. Secretary Vernon, one, bearing the date of Nov. 23, to secure Capt. Kidd or any of his accomplices, that should chance to come into this province, upon which I sent a power to the respective sheriffs to raise the county in case they could not be otherwise apprehended, for there is no fortifications in this province. The other was January 2, in relation to the Scotch design. I sent forth a proclamation that no persons might pretend ignorance and not to come near them or give them assistance, and I likewise gave notice to the respective Collectors and Naval Officers to take care no ships clear that may be suspected of going that way. The news we have is from Philadelphia that they are gone to the Gulph of Darien in Golden Island, not far from Cartergen, and, if common Fame is to be credited, they have sent some vessels from Philadelphia already. Since my last three small ships have been seized here and condemned respectively for importing Irish goods not shipped in England, for not being navigated according to law and for having Scotch owners. I enclose the proceedings, which I have also transmitted with the original registers and cocketts to the Custom house. There has some query been started whether any ships condemned can have an immediate appeal to England to the Court of Admiralty, which the Commission for Vice Admiral seems to allow of, but there is a clause in my Commission under the Great Seal, that now appeals shall be made but to His Most Sacred Majesty in Council, and lest I should be too tedious I enclose copies of each paragraph. It has been granted to those that have desired it. I humbly beg your directions how I am to be regulated. The Governor of Virginia was here about six weeks ago and was desirous that some time hence we might see my Lord Bellomont, which proposition I should be glad to embrace. I received a letter from my Lord about ten days ago, who seems to be desirous of it and to meet us at Philadelphia at his return from New England. There are some reports industriously spread abroad that Scotchmen inhabiting in England, and house-keepers, are permitted to trade for the enumerated commodities and send their ships to the Plantations, but since I have such instructions as are directly contrary, I do not in the least hold myself any way concerned to have the least regard to it, since it interferes with the direct letter of the Law and my Instructions. I have had nothing of this nature signified to me from your Lordships nor the Commissioners of the Customs. *Signed*, N. Blakiston. *Endorsed*, Recd. July 17. Read, Aug. 22, 1699. 3 *pp.* *Enclosed*,

433. I. Proceedings at the condemnation of the ship *Amity* of London for having Scotch owners.

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433. II. Proceedings at the condemnation of the Pinck *Johanna*, of Gosport, for importing Irish goods not shipped in England.

433. III. Proceedings at the condemnation of the Pinck *Daniel*, of Rotterdam, for not being navigated according to law.

433. IV. Copy of clauses from the Commissions of the Governor and the Judge of the Vice-Admiralty.

433. V. Col. Blakiston's query about appeals, *as above*. [*Board of Trade*. Maryland, 3. *Nos*. 69, 69 I.-V.; *and* (*without enclosures*) 9. *pp*. 385-390.]

May 22. Whitehall. **434.** Memorandum of Papers relating to the Scotch settlement on the Isthmus of Darien delivered to the Council of Trade and Plantations by Mr. Secretary Vernon for their consideration. *Endorsed*, May 26, 1699. *Enclosed*,

434. I. Copy of the Memorial of the Spanish Ambassador. The King of Spain has heard with much dissatisfaction of the descent of the Scotch ships upon Darien, regarding it as a mark of little friendship and a rupture of the alliance between the two Crowns. 1 *p*. *Endorsed*, Recd. Read May 22, 1699.

434. II. Copy of a Memorial on behalf of the Company of Scotland in defence of their settlement at Darien. The Company of Scotland trading to Africa and the Indies was prepared by an Act of Parliament, 1693, and perfected by the Act of Parliament, 1695, and a Charter under the Great Seal. The subscriptions for a vast sum were immediately subscribed, but the Directors were very cautious to conceal the place they designed for. They set out their ships, Nov., 1698, and pitched upon a place, the north side of Darien, never before possessed by the Spaniards. 7½ *pp*. *Endorsed as preceding*.

434. III. Extract of Scotch Act of Parliament for establishing an East India Company in Scotland. 1 *p*. *Endorsed as preceding*. [*Board of Trade*. Plantations General, 5. *Nos*. 14, 14 I.-III.]

May 22. Whitehall. **435.** Earl of Jersey referring annexed petition to the Council of Trade and Plantations. *Signed*, Jersey. *Endorsed*, Recd. May 23, Read May 24, 1699. *Annexed*,

435. I. Petition: Peter Beckford, junr., having slain Samuel Lewis, H.M. Commissary Genoral and Deputy Judge Advocate in the island, in a quarrel that arose on one of H.M. ships in the West Indies, fled to France. His relations plead for pardon, Beckford being guilty of manslaughter not murther. *Enclosed*,

435. II., III. Copies of depositions of Richard Chitty and Andrew Duany, Dec. 14, 1697, about the death of Samuel Lewis.

435. IV. Opinions of English lawyers on the case. [*Board of Trade*. Jamaica, 8. *Nos*. 115, 115 I.-IV.; *and* (*without enclosures*) 56. *pp*. 324-325.]

1699.
May 22. **436.** Hudson's Bay Company to the Lords Commissioners. Account of the injuries, depredations, and damages done by the French to the Company. *Totals*, 1682-1688, £118,014 19*s.* 8*d.* During the late war; £99,500. [*America and West Indies.* Hudson's Bay, 539. *No.* 8. *pp.* 29-30.]

May 22. **437.** Minutes of Council of Montserrat. A negro, John Freeman, belonging to Mr. Robert Puitt, convicted of having absented himself from his master's service for over 3 months, was condemned to be broken to pieces and afterwards his limbs and body to be burnt in accordance with the Act. [*Board of Trade.* Leeward Islands, 64. *p.* 543.]

May 22.
From Prison, Bermuda.
438. Edward Randolph to Council of Trade and Plantations. In obedience to your commands, April 1, 1697, I have wrote upon all occasions the truth of what I have observed, it seems in too plain terms, Governor Day having, by the treachery or negligence of one employed to copy my papers, had copies of two or three of my letters. I can vouch by sufficient persons the truth of what I have wrote. If upon examining my letters, I lately sent by Capt. Stow, there appear anything which has the face of falsehood, I desire to be sent for home and have liberty to make my defence, before impartial judges, these being prosecutors and judges also. If I have done damage to anyone here the law is open; but I always believe that whatever is transmitted to your Lordships 'tis safe, and will be made use of no further than for his Majesty's service. I entreat you that I may not be destroyed in a nasty jakes; if not sufficiently proved, will bear an action of slander only. I should do pretty service if I advised only with the Governors. Governor Day intimated so much, used me with great civility and gave me the characters of several persons, of whom I have since found out that Nelson was a broken usurer in London; Outerbridge part owner of the *Amity*; yet you find their names in the order of my commitment. They thought to be even with me. Those on whom Day reflected are men of the best estates and were of the Council not long since, being old standards, and will, when every man without fear of imprisonment may, prove the truth of what I have wrote. I am much impaired in my health by my confinement. These evil-doers ought to be turned out of the Council for opposing a gentleman in the immediate service of the Crown. I once again, and perhaps 'tis the last time, humbly entreat that I may not be crushed to death under the burthen of angry and insulting pride and vanity. *No signature. Holograph.* 2¼ *pp. Endorsed,* Recd. June 29. Read July 4, 1699. *Enclosed,*

438. I. Copy of Mr. Randolph's commitment to prison, 1 *p.* [*Board of Trade.* Bermuda, 3. *Nos.* 40, 40 I.; *and* 29. *pp.* 170-176.]

May 22.
Bermuda.
439. Deposition of Walter Turner, goldsmith. About six weeks since one William Pargiter came to the house of Major Michael Burrowes, where deponent lodged, and desired to borrow a pair of shares, a file and a pair of scales, saying he had some heavy money and had a mind to clip it. Afterwards he asked leave to

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melt some silver at deponent's forge. The silver proved to be silver clippings. *Copy.*

Deposition of the same about William Baisden's clipping. *Copy.*

Deposition of the same about Mrs. Elinor Hall selling clippings to him at 5*s.* 4*d.* per ounce. [*Board of Trade.* Bermuda, 39. *pp.* 20-22.]

May 22. Whitehall. **440.** Journal of Council of Trade and Plantations. Their Lordships advised with Sir Edmund Andros about the boundaries between England and Nova Scotia and the Fort formerly at Pemaquid.

Memorial in behalf of Peter Beckford, junior, presented by the Earl of Jersey and read. Mr. Way ordered to attend and offer what he had to say in pursuance of his memorial of March 18, 1697.

May 23. Mr. Leonard Compier produced a copy of his patent for the office of Receiver-General for Jamaica.

Depositions, &c. relating to the killing of Mr. Lewis by Mr. Beckford read.

May 24. Mr. Baber, Secretary of Jamaica, attended and promised to produce a memorial in writing relating to his patent and office.

Mr. Way presented a memorial upon the case of Mr. Beckford. Representation thereon directed.

Capt. Norris, Commodore the last year at Newfoundland, being newly arrived from the Streights said that one occasion of the complaints against last year's Newfoundland fish might be that a great part of it had been killed by the ice and cured amongst the rest, though it had been taken up dead in that manner. There were several unfree ships that fished there, viz. Prize ships and other foreign bottoms that had not been made free. When he came from thence the soldiers were in good health and those that had been disbanded liked the place and were willing to stay there.

Lord Jersey delivered the complaint of M. Ponchartrain to the French Ambassador about the damage done by the English on the French part of St. Christopher's, in order that an instruction may be given to Col. Codrington for enquiry into the matter and causing satisfaction to be made as shall be reasonable. [*Board of Trade.* Journal, 12. *pp.* 52-55; *and* 96. *Nos.* 83-85.]

May 22. **441.** Journal of House of Burgesses of Virginia. Col. Ludwell reported from the Committee of Grievances that they had made several amendments to the Bill for Taxing Servants, which was ordered to be engrossed with the amendments. Bill appointing a Committee for revising the Laws amended and agreed to. Bills read a second time, May 19, now read a third time. Bill declaring mulatto women, etc., titheable dashed. Report of Committee of Claims entered in one book and laid upon the table. Reply to the Instructions of the Lords Justices agreed upon. (*See abstract of Journal of General Assembly, June* 2.) Petition of John Tullit referred to Committee of Claims, and a complaint against Thomas Walter, sub-sheriff of Westmorland, who had attached two negro
May 23 and 24. children of the estate of Gowen Corbin, a member of the House of Burgesses, was referred to Committee of Privileges, and upon their report it was ordered that his action was a breach of the privilege

of the House, and all proceedings upon it ought to be suspended, that the Speaker acquaint the Court of Westmorland with the resolution of the House, and that the Messenger of the House bear the letter and take the Sheriff into custody, and upon his refusal to pay £3 to him for his trouble to bring him before the House. Bills for conferring titles to town lands and appointing a Committee for the Revisal of the Laws read the first time. Conference held with the Council about building the State House. Bills appointing a Treasurer, encouraging Adventurers upon a new discovery of the Western Indians, and lessening the levy by the poll and laying an imposition upon liquors towards building the Statehouse, etc., read the first time. [*Board of Trade.* Virginia, 52. *pp.* 423-432.]

May 22. **442.** Journal of General Assembly of Virginia. Bills against pirates and privateers, prohibiting the exportation of corn, to prevent the discontinuance of courts, forbidding the unseasonable killing of deer, regulating juries, punishing slaves for hog-stealing, restraining the killing of whales, and ascertaining the value of money, were read a first time.

May 24. The burgesses desired a conference to consider a model for the
state-house: committee appointed. The above-mentioned bills were
read a second time and committed for amendments. Bills against
blasphemy, and for prevention of undue elections passed, with
May 25. amendments, and sent down to the House of Burgesses, who
reported that they agreed to several of the amendments made in the
May 26. two latter Bills, but not to all. The Council proposed conference
about the method of amending bills, to which the Burgesses agreed.
The Bill against killing whales was rejected as encroaching upon the
Royal Prerogative, but the Council declared itself ready to join with
the Burgesses in an address upon the matter. The Bills against
Pirates and Hog-stealing slaves, to prevent discontinuance of Courts
and unseasonable killing of deer and to regulate juries, were passed,
with amendments, and agreed to by the Burgesses. Mr. Humphrey
May 27. Higinson's propositions about the manufacture of linen and cotton
referred to the House of Burgesses. [*Board of Trade.* Virginia, 52.
pp. 106-118.]

May 23. **443.** Richard Lloyd to the Council of Trade and Plantations. I enclose an Account of the French Invasion of Jamaica, 1694, together with a copy of the Act for giving Sir William Beeston £1,500 for his good conduct upon that occasion, with some observations thereon in which I hope there is sufficient cause shown why that law should not be confirmed. As it is almost five years since that affair I may be pardoned if my memory fails me in some minute circumstances. I should have given this account before, but was not willing to venture the original papers in war time. I must confess there has been some difference between the Governor and me; he suffered me to be affronted not only when I was Chief Justice, but also when by a severe fit of sickness, I had lost the use of my hands, so that I could not do myself right. But my resentments have not carried me a hair's-breadth from the truth. *Signed,* Richd. Lloyd. *Endorsed,* Recd. May 23. Read June 7, 1699. *Enclosed,*

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443. I. Account of the French Invasion of Jamaica, 1694. The money voted in the Act quoted being awarded on the grounds of Sir W. Beeston's "great care, prudence, conduct, good government and bounty, by which the island was preserved from the rage of a barbarous and potent enemy," Mr. Lloyd's Journal is directed to prove the falsehood of these pretensions. He alleges that Sir William Beeston (1) ordered the guns of Port Morant to be spiked up and the two Windward Parishes to be deserted, and did not acquaint the Council with this order till two days after it was done. (2) He did not send boats to bring the goods which lay ready for market, to the value of £20,000. (*Certificates quoted of the damage suffered in the Windward Parishes show*:—50 sugar works, five rum works, 21 cotton works, 54 indigo works, 11 provision plantations, &c. &c. destroyed, and 1,962 slaves carried off by the enemy. *Names of owners of factories mentioned:* — Col. Edward Stanton, John Harbin, Wm. Hutchinson, James Wall, George Bennet, Jaspar Butcher, Mrs. Dorothy Turpin, Charles Roberts, Capt. Edward Story, James Littleton, Capt. Henry Hilliard, Capt. Robert Bowman, James Stewart, Capt. Nicolas Wilks, Capt. John Kendar, Richard Howard, Capt. Edwards, Robert Flaxney, Nicolas Lissons, Jno. Bassett, Mrs. Paine, Major John White, Madam Wignall, Capt. Richard Risby, Adam Stewart, William Philips, Anthony Stoddard, Capt. Joseph Dowling, Major Smith Kelly, Capt. Robert Phillips, Major Charles Penhallow, Capt. Anthony Swymer, Capt. Christopher Cooper, Lt.-Col. Modyford Freeman, Thomas Groues, Natha. Phelps, Mrs. Vangilder, Thomas Dunning, William Coward, Dr. John Kenn, Capt. Thomas Hudson, Capt. Jno. Cosley, Hackes Garbrand, William Harris, Col. Lyne, Major Nicholas Richardson, Jno. Stretch, Francis Fouracres, John Hamond, John Austin, Edward Turner, John Jennings, John Clark, John Campion, William Robinson, Thomas Harry, Wm. Bennett, Charles Bernard, Mrs. Mary Macklane, Wm. Johnson, Madam Bereman, Mr. Whitaker, Mrs. Ann Whitaker, William Magary, Major James Lobley, Capt. George Lenham, Mrs. Cole, John Courtney, Mrs. Smith, Mrs. Staton, Madam Harvey, Capt. Robert Phillips, Mrs. Mewtis, Capt. Tisdall, Mrs. Vuglar, Wm. Almond, Joseph Gardner, Lt. Compere, Capt. Jennings, Lt. Jolley, Wm. Fouracres, Leonard Eaton, Mrs. Bowley, Sam. Allen, George White, Andrew Dewany, Major Thomas Richardson, Timothy Conway, Thomas Orchard, Mrs. Rumbald, Charles Thomas, Jno. Jackson, William Hyley, Dr. John Smith). (iii) That he suffered three of the enemy's ships to lie in Cowbay, three days after the rest were gone to leeward, when he had force enough at Port Royal to destroy them, and return to port before the enemy

could hear of it. (iv) He despatched the forces from Sir Iago to Withywood in several parties and at such a distance of time, that some were routed before the others could know there was any engagement. (v) That he sent five or six hundred odd men to march 30 odd miles against an enemy almost three times their numbers without one ounce of provision or any more ammunition than each man carried in his catouch box. (vi) That he kept a great part of the strength of the Island to guard his own person at St. Jago, and refused to send any succour to that small force that was exposed to the enemy, or ammunition till the enemy were gone out of the island, thereby causing the destruction of many settlements that might have been preserved. (vii) He frequently advised the officers that opposed the enemy at Withywood to retreat to St. Dorothy's, which if they had done the parishes of Vere and Claringdon must have been exposed to utter ruin. (viii) That he never came nearer the enemy himself than 30 miles all the while they were in the island. As to Sir William's bounty, he keeps but one meal a day in his house and that never exceeds five dishes; at night there is a glass of Madera wine and water and a pipe of tobacco for any one that will come and sit with him, nor is he curious in his company, so that sometimes it is very bad. His temper has been noted to be rather griping than liberal, and as to his service in general, the Island is sunk into a much lower condition under his management than ever it was since 1655, when it was taken by the English. *Endorsed as preceding.* 64 *pp.* [*Board of Trade.* Jamaica, 8. *Nos.* 117, 117 I.]

May 23. **444.** Answer of Nicholas Trott to the charges of Tho. Bulkley. (May 15.) The Governor having received leave to settle his affairs at Burmoodas in his passage made what convenient speed he could to New Providence. If the island suffered in the meantime it was by the rebellion of the complainant, who deposed and imprisoned the Governor Cadwallader Jones, where he lay till delivered and restored by the people. He made the latter a Proprietor's Deputy, there being nothing then objected against him, and judging him the fittest person in the small choice he had upon the place. He found Capt. Mercier a deputy and continued him, he being generally esteemed an honest and useful man, and for that reason had been naturalized by Act of Assembly both at New Providence and at New York. Complainant was in prison, at his coming, charged with High Treason for levying war and deposing the Governor. He was tried and had all the benefit the law allows, of which he took full latitude, and excepted to so many persons that he left but 14 out of which to empanel his jury. The French appearing on the coast, the Council ordered the inhabitants to work upon the fortifications in order to public security. The Governor took no other dues than of right, nor other fees than by law and custom allowed. He gave a licence to Cadwallader Jones to go off

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the island, he being charged with no crime but by the complainant and that without evidence. The charge about Avery he has answered upon oath exhibited against him by the owner of the ship *Charles*, which, as it is true, he hopes is full and satisfactory. *Signed*, Nicholas Trott. *Endorsed*, Recd. May 24. Read June 7, 1699. 2 *pp.* [*Board of Trade.* Proprieties, 3. *No.* 17.]

May 23. **445**. Richard Bradshaw to the Council of Trade and Plantations. On behalf of some merchants of Holland, owners of the ship *Jufrow Gertrud,* I lay before you the affidavits made by the seamen of that ship, by which it will plainly appear that the owners have been robbed of several thousands of pounds, the men very much abused and a considerable sum of money extorted from them by Nicholas Trott, late Governor of the Bahama Islands. *Signed*, Richd. Bradshaw. Recd. May 23. Read June 7, 1699. *Enclosed,*

445. I. Copy of deposition by the Lieutenant and several seamen of the *Jufrow Gertruyd* (*repeating No.* 293).

445. II. Deposition of Roeloff Stoffelsh van Henning and Carelsh Krods, belonging to the *Jufrow Gertruyd.*

445. III. Extract from a journal of Lt. Gerard Looman.

445. IV. Extract from a journal of Josias Fielroy. [*Board of Trade.* Proprieties, 3. *Nos.* 18, 18I.-IV.; *and* (*without enclosures*) 25. *pp.* 432-433.

May 24. **446**. Memorial of Benjamin Way, of London, merchant, son-in-law to the late Samuel Lewis, to the Council of Trade and Plantations. The murder was barbarous, wilful and forethought. Petitioner prays that Mr. Beckford may be sent over to Jamaica as soon as possible to be tried. *Signed,* Benj. Way. *Endorsed,* Recd. Read, May 24, 1699. [*Board of Trade.* Jamaica, 8. *No.* 116; *and* 56. *pp.* 326-328.]

May 24. **447**. Minutes of Council of Virginia. Petition of Arthur Whitehead complaining of an assault by a Nottaway Indian referred to Benjamin Harrison. The Attorney General ordered to consider the proper style of all commissions and public instruments in the Colony and Dominion.

May 26. Petition of William Leigh for a grant of land in King and Queen and Essex Counties referred to the Committee of Claims.

May 27. The Instructions about Collectors and Naval Officers referred for further consideration. Capt. Thomas Swann's letter, representing that when he commanded the Militia in Surrey County several fines were levied upon refractory persons, and that these Capt. Francis Clements had now converted to his own use, referred to Col. Harrison, present Commander-in-Chief of that County. Edwin Thacher appointed to go to Middle Plantation to assist Theodoric Bland in surveying and laying out the land for a town. [*Board of Trade.* Virginia, 53. *pp.* 261, 262.]

May 25. Whitehall. **448**. Council of Trade and Plantations to Mr. Secretary Vernon. As to the petition of Mr. Robert Chaplain, we do not find by the instructions usually given to Governors of Plantations that the defendants in cases of appeal are obliged to give security as desired by the petitioner, but we are informed there are several precedents in the Plantations and the present case seems to deserve such care, that the appellant may not be defeated of his right. *Signed*, J. Bridgewater, Ph. Meadows, John Pollexfen, Abr. Hill. [*Board of Trade*. Barbados, 44A. *pp*. 277-279.]

May 25. Whitehall. **449**. Council of Trade and Plantations to the King. As the whole truth of the matter of fact cannot appear, nor the parties concerned for the deceased, Samuel Lewis, be satisfied, without a trial in Jamaica, we recommend that Beckford be not pardoned till he have been first legally tried in Jamaica. *Signed*, J. Bridgewater, Ph. Meadows, Jno. Pollexfen, Abr. Hill. [*Board of Trade*. Jamaica, 56. *pp*. 329-331.]

May 25. Kensington. **450**. Order of King in Council referring the presentment of the Commissioners of Customs, together with the enclosed papers relating to Pennsylvania to the Council of Trade and Plantations. *Signed*, Edward Southwell. *Endorsed*, Recd. May 27. Read July 26, 1699. ½ *p*. *Enclosed*,

450. I. Presentment of the Commissioners of Customs to the Lords of the Treasury recommending that the enclosed papers be laid before the Council of Trade for them to consider whether Mr. Markham, Governor of Pennsylvania, ought not to be removed, and the Act passed by him contrary to the laws of England to be repealed. *Signed*, C. Godolphin, Walter Yonge, Sam. Clarke. Custom House, London, May, 1699. *Enclosed*,

450. II. Edw. Randolph to the Commissioners of Customs. The Pennsylvania Act, which the Assembly called in derision An Act for preventing frauds and regulating abuses in the trade of that Province, is repugnant to the Act passed in England and particularly to the Court of Admiralty erected pursuant to that Act. Col. Quary intends notwithstanding their new law to hold a Court of Admiralty to try an illegal trader. He informed me that Mr. Markham being made Lt. Gov., Mr. Penn had not the oath loyally administered to him. I hastened thither accordingly. I never observed so many Scotch merchants as now are in Pennsylvania, and so I am informed in Virginia and Maryland. They very much depend upon Mr. Attorney and Mr. Solicitor General's report upon the provision in the Act for preventing frauds relating to Scotchmen, and Mr. Markham has thereupon made Major John Donaldson, a Scotchman, his Naval Officer at Newcastle. I found that Mr. Markham had taken the oath but not before the Commissioners appointed, though some of them were in town and Mr. Yeates but 20 miles away. The Commission for administering the oath is in the Secretary's office, and so long as it is there and the Council administer it, his successor, if a Quaker, will securely enter upon the Government upon his attestation only. Col. Markham would not let the Commissioners for administering the oath keep the Commission. I was abused and imprisoned. I seized 9 hogsheads of

tobacco from Philadelphia for not paying the full duty and am very much clamoured against. Since Mr. Penn and his people take upon them to dispense with the Acts of Parliament, the officers of the Custom house will be useless till His Majesty be pleased to put the government into the hands of persons of abilities and loyal principles, and with a small vessel well manned to cruize for some time at the entrance of Delaware Bay. New York. Aug. 8, 1698. *Copy.* 3 *pp.*

450. III. Deposition of Edward Randolph. On July 28, 1698, in the house of Cha. Read in Philadelphia, Patrick Robinson, a Scotchman, the Secretary of Pennsylvania, laid violent hands on deponent and demanded satisfaction for his mentioning him in his report to the Committee appointed to consider the State of Trade, March 1697. The reason was that about March last one John Moorehead, a Scotchman, had his vessel and loading seized in Philadelphia, and deponent was very pressing on Mr. Markham to have Blackleache's Plantation Bond of £1,000 forfeited to His Majesty to be prosecuted. Next day Col. Markham refused to appoint an Attorney General to prosecute forfeited Plantation Bonds and demanded to have the bonds delivered to him. On July 30 he placed a constable at deponent's door and imprisoned him for questioning whether he was allowed and approved by H.M. Order in Council to be the Governor of that Province, and demanded the delivery of Stephen Blackleache's bond. Deponent, anxious to catch the *Fowey* at New York, sent it. New York, Aug. 9, 1698. *Copy.* 2½ *pp.*

450. IV. Gov. Nicholson to Commissioners of Customs. I hope you will get a small frigate sent in place of the *Swift.* I send you a copy of an Act lately passed in Pennsylvania which I think comparatively is prejudicial to the trade of England. If some course be not taken concerning that law, the Customs will suffer very much, for illegal traders will go thither, where, if caught, they are to be tried by judges and juries under no oaths. It is intended to frustrate the Court of Admiralty there. I have appointed Mr. Moore, of Philadelphia, H.M. Advocate both for Pennsylvania and West Jersey. If these proceedings in Pennsylvania be not taken notice of in England, it may cause great discontent in H.M. neighbouring provinces, when they see Pennsylvania enjoy such freedoms in point of trade and suffer no courts but what they please, and they that are under H.M. Government are in a far worse condition. Annapolis, Sept. 12, 1698. *Copy.* 2 *pp.*

450. V. Robert Quarry to the Commissioners of Customs. *Duplicate of letter to Council of Trade and Plantations. See Cal.* 1698, *No.* 633. Philadelphia, July 4, 1698. *Copy.* 3 *pp.*

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450. VI. Robert Quarry to the Commissioners of Customs. *Duplicate of letter to Council of Trade and Plantations. See Cal.* 1698, *No.* 772. Philadelphia, Aug. 25, 1698. *Copy.* 3 *pp.*

450. VII. Robert Quarry to the Commissioners of Customs. *Duplicate of letter to Council of Trade and Plantations. See Cal.* 1698. *No.* 796. Philadelphia, Sep. 6, 1698. *Copy.* 3¼ *pp.*

450. VIII. Copy of the Act for Preventing Frauds and Regulating Abuses in Trade with Pennsylvania and counties annexed. 8½ *pp.* [*Board of Trade.* Proprieties, 3. *Nos.* 26, 26 I.-VIII.; *and* (*without enclosures*), 26. *pp.* 8, 9.]

May 25. **451.** Minutes of Council of New York. Committee appointed to review the account of the Clerk of Assembly. Letters of guardianship issued to William Lawrence and John Barbaree to take care of the person and estate of John Lawrence, *non compos mentis.*

An appeal in the case of Wandall v. Alsop not allowed on the ground that it was tried before a superior Court, viz., H.E. and Council during the Sessions of the last Assembly. [*Board of Trade.* New York, 72. *pp.* 245, 246.]

May 25. Whitehall. **452.** Journal of Council of Trade and Plantations. Letter to Mr. Secretary Vernon about Mr. Chaplin's petition and representation upon the Beckford case signed and sent.

May 26. Letter from Col. Codrington read.

Mr. Gilbert Heathcote stated that his correspondents at Jamaica had lately writ him that the Spaniards still carry up any ships of ours that they meet with at sea. Ordered to send a copy of any fresh advices he has upon that subject.

Letter to the Admiralty about conveying clothing and recruits to Newfoundland ordered. [*Board of Trade.* Journal, 12. *pp.* 56–58; *and* 96. *Nos.* 86, 87.]

May 25. **453.** Journal of House of Burgesses of Virginia. Specification of the building of the State House decided upon, and Committee of Propositions ordered to bring in a bill accordingly. (*See abstract of Journal of Assembly, May* 25.) Bill concerning titles to lands recommitted. Bill for encouraging Adventurers with the Western Indians dashed, but the consideration of such a law referred to the Committee for revising laws. Bills for taxing liquors and appointing a Treasurer read a second time and ordered to be engrossed. Petition of Thomas Milner against the undue election of Thomas Godwen (Goodwin) referred to Committee of Privileges.

May 26. Proceedings of the Governor in Council considered. Reply resolved. (*See abstract of Journal of General Assembly May* 26 *and June* 2.) Address of thanks to the Governor for his speech etc. ordered. Capt. Thomas Jorden, Sherif of Nansemond County, ordered into custody to answer the complaint of undue election of Mr. Godwin. Mr. Cock granted leave of absence till Monday. Theoderic Bland and Edwin Thacher appointed to lay out the land

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for the State House. Method of amending Bills—amendments to be made in a distinct paper and not in the Bills themselves till agreed upon—adopted. Amended Bills, appointing Committee for revising laws and confirming titles to Crown Lands, read the second time and ordered to be engrossed. State House Bill read the first time. [*Board of Trade.* Virginia, 52. *pp.* 432-441.]

May 26. **454.** Memorandum of Papers relating to the Scotch Settlement on the Isthmus of Darien. [*Board of Trade.* Plantations General, 35. *p.* 43.]

May 26. **455.** Memorandum of Report upon the Scotch Settlement at Darien delivered to Mr. Secretary Vernon, May 27, 1699. [*Board of Trade.* Plantations General, 5. *No.* 14.]

May 26. **456.** Report of the Council of Trade and Plantations upon the Scotch Settlement upon the Isthmus of Darien. The charter granted to the Scotch Company contains these three restrictions:—either not to plant upon places inhabited or, if inhabited, not without consent of the inhabitants; nor upon places possessed by any European Prince or State. The memorial says that the Scotch Fleet in November, 1698, arrived on the N. side of Darien and pitched on a place *never before possessed by the Spaniards.* The whole weight of the controversy turns upon this. If it was possessed, the descent made by the Scotch is not only a manifest contravention of the conditions of the Patent but also an open violation of the Treaty betwixt England and Spain 1670, Art. VII. and VIII. It is not sufficient to alledge that the inhabitants invited them, for the Indians of those parts are a wild sort of people, sub-divided into small clans, and can do nothing to the prejudice of the supreme sovereign of the whole country, which the Spaniard hath from the first discovery claimed to be. The memorial challenges the Spaniard to prove his possession. Such a proposal will be entertained by the Spaniard with great disdain and give, we fear, too just an offence, that what they call an indisputable and uncontravened right, grounded upon near 200 years' prescription, and in the enjoyment whereof they were never disturbed by any European Prince or State, none of them having so much as attempted to make any colonies or settlements of their subjects in those parts, they should now of a sudden, after an open invasion, as they will call it, be required to prove their title and possession. Besides, what tribunal can be erected? No doubt the Spaniards are the best able to prove the validity of their title, if they would suffer it to be called into controversy. But by the printed books of good authority it appears that they planted themselves in the Province of Darien in 1510, very near, if not in the self-same place, where the Scotch now are, and that one Enciso, a Spaniard, first discovered the River called Darien, and built a town upon it, which he called St^a Maria Antigua, which was afterwards honoured with the title of a Bishopric. After Vasquez Nunez Balboa had discovered the South Sea, Petreio Davila, then Governor of the Province of Darien under the King of Spain, removed the inhabitants from St^a Maria, 1519, to Panama, alleging the unhealthiness of the air. And it appears the Province of Darien has been so divided by the

Government of Spain that all on the one side of the river was allotted to the *Audiencia* or Presidentship of Panama, and the other side to that of Carthagena. And though the Spaniards have built several towns in the Province and afterwards demolished them and removed to other places, yet this changing of habitations amongst private persons was no dereliction of the territorial property of the Province, but that still remained entire in the Crown of Spain. And though perhaps there is not one village in Darien at present inhabited by Spaniards yet they never counted themselves to have quitted the possession of it, but only are retired to other habitations more convenient for health or trade, to Panama, Portobello and Carthagena, which places, as the Scotch Memorial acknowledges, are the extremities which in a manner environ the Isthmus of Darien. No subjects of any European Prince have ever attempted to plant any settlement there, not out of ignorance of those parts, but solely because such a thing could not be compassed without an open rupture with Spain, who secure their possession of Darien by their Armadilla or Barlovento Fleet, which arrives yearly upon that coast.

The treasures of Peru are carried over the South Sea to Panama, and thence overland by the Province of Darien to Portobello, so that the Spaniards will unavoidably be ever jealous of any neighbourhood which may in time extend itself to interrupt the communication betwixt the South and the Northern Seas. And this country is situated betwixt the two Empires of Peru and Mexico, and the Spaniards will never suffer any Europeans to plant themselves upon the main land betwixt those two Empires. They would never permit us so much as to cut logwood in the Bay of Campeche, upon the coast of Jucatan, lying upon the same tract of land, near which, at a place called Port Royal, there was lately a small colony of about 300 English, disavowed by the Government of England, which the Spaniards seized, destroying many of them upon the place and carrying others to Mexico, where they kept them working in chains upon the fortifications. This they did lest we should habituate ourselves in those parts and plant there. Such is the claim of the Spaniards to this country that the planting upon Darien is what will touch them in the most sensible and vital part, and that if this design of the Scotch be carried on it will inevitably in the end involve his Majesty in such misunderstandings with Spain as may prove fatal to the peace and good accord betwixt the two Crowns. *Endorsed*, May 26, 1699. 4½ *pp. Enclosed*,

456. I. Extracts from Johannes de Laet's description of America, referring to Darien and Panama. *Translated*, 5½ *pp.* [*Board of Trade.* Plantations General, 5. *Nos.* 15 *and* 15 I.]

May 26. Whitehall.

457. William Popple to John Burchett. The Council of Trade and Plantations desire you to move the Lords of the Admiralty to order the Captain of the *Deal Castle* to receive on board the clothing and recruits for the Company at Newfoundland, which will be ready at Portsmouth about ten days hence. [*Board of Trade.* Newfoundland, 25. *p.* 312.]

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May 26. **458**. Col. Codrington to William Popple. Upon sight of my instructions I have drawn up the following considerations in concurrence with a gentleman who best knows the constitution and all the circumstances of the Leeward Islands. The instruction I am most inclined I shall be least able to observe. I have always thought it very barbarous that so little care should be taken of the bodies and so much of the souls of our poor slaves. Their condition has cost me many a mortifying reflection, and yet I know not how I shall be able to mend it in any one respect but feeding my own slaves well. I shall be certainly opposed by all the Planters in general if I should go about to secure their limbs and lives by a law, though I will certainly recommend something of the kind, but much more if I should promote the baptizing of all our slaves. And in this the Planters have much to say for themselves, for 'tis certain the christening of our negroes without the instructing of them would be useless to themselves and pernicious to their masters, and 'tis evident the few and the very ill-qualified clergymen who go to the islands are not only insufficient for such a work, but can do no service to the white heathens they find there by their teaching or example. Indeed, a work of this nature is only fit for a regular clergy who are under vows of poverty and obedience. The secular clergy who will be sure of their hire before they set about their task do not think the hope of a reward in another world sufficient encouragement to turn missionaries. I would humbly propose this might be recommended to the consideration of the Archbishop and Bishop of London. If they can find such a number of apostolical men who are willing to take much pains for little reward, my protection and countenance shall not be wanting. I am very sincere in this matter and will have nothing to answer for; as an inconsiderate zeal shall not put me upon an attempt that will not answer its end, so no consideration of interest shall hinder me from promoting boldly and impartially a design that may be pleasing to God and truly beneficial to my fellow-creatures. *Signed*, Chris. Codrington. *Endorsed*, Recd. May 23. Read May 26, 1699. 4 *pp.* *Enclosed*,

458. I. Remarks on the Instructions intended for Col. Codrington. (1) It has been the custom in passing Acts, immediately before the enacting words to pray His Majesty that it may be enacted. This form is omitted in the Instructions. Is the form of praying His Majesty to be omitted? (2) In the Leeward Islands laws are made by the Chief Governor and General Council and Assembly; these bind all the islands, or by the Chief Governor, and in his absence by the L.G., of the respective islands and the particular Councils and Assemblies; these are in force only in the islands where they are made. These various forms of law require a a variety in the enacting style not noted in the Instructions. (3) Is the Chief Governor to transmit home all laws passed in the several islands, whether he approves of them or not, and are laws passed by the particular Lieutenant-Governors, Councils and Assemblies to be in force until the public seal be first affixed

to them by the Chief Governor? (4) Is not the instruction, which takes away the discretionary power of making trial of new laws by enacting of them only for a time, prejudicial? (5) How is the Governor to pay for the copies of the accounts he is required to send home, and is he to delay the execution of his instructions, such as to build storehouses, keep a census, etc., till he can persuade the inhabitants to be at the necessary expense? (7) The scarcity of fit persons to serve as Judges and of the Council makes this instruction very inconvenient. (9) (ii) It would be well to define the powers of the L.G. in absence of the Governor. (10) Is it intended that the Lt.-General, unless he is also Lieut.-Governor of some one of the islands should succeed in the Government in case of the death or absence of the Governor, and is it not more expedient that in such case the Government devolve on the Island of Antigua and not on the Island of Nevis, which was formerly the most considerable of the Leeward Islands and the usual residence of the Chief Governor; but at this day Antigua is more considerable than the other three islands, and as it has for some time been so, 'tis absolutely the most proper residence for the Chief Governor, being the most windward of the Leeward Islands. (12) Should not the instruction to former Governors, to commute the duty of 4½ per cent., if it might be done to the greater satisfaction of the inhabitants and without damage to the King, be continued? *Note by Codrington:* For my own particular I am glad it is omitted. The collecting of the duty might be made more easy. 3 *closely-written pp. Stuck on back,*

458. II. Notes on above observations. (1) The words "to pray his Majesty" not to be omitted. (2) No alteration intended from what has been the former practice. (3) The Laws of the several islands must be sent whether the Captain-General approve of them or not. The seal which he is to affix is not to make the laws valid, but only to authenticate the copy of them. (5) He must take care to get the thing done, as all other Governors do. [*Board of Trade.* Leeward Islands, 6. *Nos.* 23, 23 I., 23 II.; *and* 45. *p.* 364.]

May 26.
Antego.

459. Deputy Governor and Council of Antigua to Council of Trade and Plantations. With reference to Mr. Lucas' memorial, we bear great respect to the memory of our late General Codrington, and are extremely pleased that His Majesty designs his son to succeed him. *Signed,* John Yeamans, Row. Williams, John Tankerd, John Frye, John Hamilton, Hen. Pearne. *Endorsed,* Recd. from Mr. Cary, July 18, 1699. [*Board of Trade.* Leeward Islands, 6. *No.* 24; *and* 45. *pp.* 387, 388.]

May 26.
St. John's.

460. Minutes of Council and Assembly of Antigua. The Council suggested that the supernumerary men who formerly

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belonged to Col. Holt's regiment should do guard duty and be given free quarters. The Assembly replied that they did not think this necessary: with their pay and the fruit of their labours they were earning a comfortable subsistance already. The Assembly proposed, in order to increase the currency and keep it in the island, that all Dogg and Lyon dollars and Souse marks, which were not mentioned in a former Act for establishing the rates of what money should be accepted, should now be taken by the Treasurer. The Council concurred, fixing the value of the dollar at 4*s*. 6*d*. and the English crown at 7*s*. 6*d*. The Council and Assembly appointed a joint Committee to consider the building of a platform at Parham. 20 hogsheads of sugar were ordered to be shipped to pay arrears due to the agent of the island. The petition of Mr. Langford relating to the sale of his ward's land was granted. The petition of John Kerr and Martin Lavicount, executors to George Baker, was considered, and they were appointed to manage the estate in the interest of the children, good security being given to Mr. Howell, who had married the widow Baker, that what part of it belonged to her should be paid. Fifty acres of waste land to the windward of Belfast granted to Henry Norton. [*Board of Trade.* Leeward Islands, 64. *pp.* 304-309.]

May 26. **461.** Minutes of Council of Barbados. Leave granted to Miles James, Guardian of Francis Tully Emperor, a lunatic, to send him over to Bedlam. The Assembly attended with an Explanatory Bill for the Provision of Servants, and asked for the issue of two writs for the election of members of Assembly in place of Thomas English and Major Gallop, deceased. Members of Council and Assembly took the oaths of Assessors appointed by the late Act. [*Board of Trade.* Barbados, 65. *p.* 398.]

May 26. Boston. **462.** Minutes of Council of Massachusetts Bay. H.E. the Earl of Bellomont, Captain-General and Governor-in-Chief of the Province of Massachusetts Bay, arrived, took the oaths appointed and published a Proclamation continuing all officers in their posts. [*Board of Trade.* New England, 49. *p.* 208.]

May 27. **463.** Minutes of Council and Assembly of Nevis. Order that, whereas H.M.S. *Queenbrough*, having returned from cruising after Capt. Kidd, had lost above 23 men by a contagious sickness, and put 20 odd men sick ashore, no seamen out of the ships in the Road were to be impressed by her officers. Notice given to the ships to this effect. Capt. Rupert Billingsly, sick, granted ten days' leave on shore. Small-pox being very violent in the French part of St. Christopher's, a proclamation was issued forbidding any person to come ashore thence without licence from the President and Council. [*Board of Trade.* Leeward Islands, 64. *pp.* 497-499.]

May 27. **464.** Lords Proprietors to Nicholas Webb, Governor, of the Bahama Islands. We have received your letters of Oct. 14 and Dec. 7th, 1698. In the former you give an account of expeditions fitted out by you in search of Kelly, etc., by which you were out of pocket at least £80. In the latter you give an account that one Edwards claimed a brigantine taken and shared by you and the

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captors, of which you made no mention. Comparing the reports we have by way of New England and Jamaica with your relation we cannot be without some jealousy of that proceeding, but wait for your justification of yourself. You send us an account we cannot allow of, the disbursements being contrary to your instructions. We have constituted Richard Tulliafero to be our judge in all cases civil and criminal which may happen within the Bahama Islands. We have sent him the same commission as we have granted to our Judge in Carolina, and several of us have sent deputations under our hands and seals for our deputies, both which we intend to be a standing rule in the time of succeeding Governors, the Governor only to have power to nominate deputies in case of death or departure from the islands, until we have otherwise ordered. If the inhabitants of Providence are of opinion that what you have laid out upon the fort be so very advantageous to them as the Address seems to intimate, it being laid out without any order of ours, they ought to take care to have you reimbursed by an Act of Assembly. We wonder you should take upon you to advise us now that the Address sent us home by you from the Assembly about Dudgeon's Grant need not be taken notice of, when we ought to blame both you for suffering and them for sending such one, wherein our right of disposing what is ours is invaded. *Signed*, Bathe Palatine, Bathe for Lord Carteret, Wm. Thornburgh for Sir John Colleton. [*Board of Trade*. North Carolina, 4. *p*. 68.]

May 27. London. **465**. Lords Proprietors to the Governor and Council of the Bahama Islands. We cannot approve of the Governor by order of Council fitting out 5 sail of men-of-war, having no such direction from us. The Governor has sent us an accompt, which is pretended to be audited and approved of by some of you, which we know of no authority you had to do, and which you own is passed in a great measure without vouchers, and that chiefly about expenses for the fort, for which he had no order from us and ought to have received no encouragement from you. What causes in equity are heard by the Governor are to be in open Council; the complaint, answer, evidence and decree to be entered upon record. *Signed as preceding*. *Annexed*,

465. I. Commission to Richard Tulliafero to be Chief Justice of the Bahama Islands. May 23, 1699.

465. II. Appointments of Richard Peterson to be a deputy for John, Earl of Bath, Palatine, as one of the Council of the Bahamas; of Martin Cock, to be deputy for Lord Carteret; of Richard Tulliafero to be deputy for Lord Craven; and for Major Perient Trott to be deputy for Sir John Colleton; and of Thomas Gower to be deputy for Maurice Ashley, Esq. [*Board of Trade*. North Carolina, 4. *pp*. 69-71.]

May 27. Newport, Rhode Island. **466**. Governor Cranston to the Council of Trade and Plantations. Your letter of Oct. 25 came to our hands April 5. We shall not justify ourselves for the long interval between your letter of Feb. 9 and our answer, but shall in the future endeavour to be more diligent. But we have no shipping that sails directly

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from this colony, and are often disappointed for want of timely notice. We do not vindicate ourselves for having erred through ignorance in treatment of pirates, but only as to our innocence. We humbly beg pardon, and will follow the instructions you have now sent us. We send, as desired, copies of all private commissions granted from this government. They are only defensive, and were granted by the deputy-governor, contrary to the mind of the then governor, and he, not knowing the due form, took out no bonds, concluding, as he hath solemnly declared, that they were bound upon a merchandizing voyage. We also send as required copies of the trial of Georg Cutler and Robert Munday, etc., and of the laws and acts of this government. We have received letters bearing date Feb. 3, with instructions relating to the Acts of Trade, with which we shall comply, and Jan. 24 concerning the Scotch expedition, with regard to which we send a copy of our proclamation.

The beginning of April a ship was sunk on our coast by the crew, as they have confessed. *Repeats Bradish affair.* We have £1,200 in our hands. We are a plain and mean sort of people, but very loyal, though we have many enemies, one Esqr. Randolph, for instance. We beg you will not entertain any report against us till we can answer for ourselves. We have appointed Jaleel Brenton to answer for us. *Signed,* Saml. Cranston, govr. *Endorsed,* Recd. from Mr. Brenton, July 31. Read. Aug. 7, 1699. 3½ *pp.* *Annexed,*

466. I. Abstract of preceding letter. 1 *p.*

466. II. Petition of William Mayes, Master of the *Pearl,* for a defensive commission against H.M. enemies. Newport, Dec. 3, 1694. *Signed,* Wm. Mayes. *Attested,* John Greene, Dep.-Governor. 1 *p.*

466. III. Copies of clearance of the *Portsmouth Adventure,* Richd. Sheuers, master, Dec. 16, 1694, and of the *Pearl,* Wm. Mayes, Dec. 17, 1694. 1 *p.*

466. IV. Copy of a Commission of War granted to Wm. Mayes, Dec. 10, 1694. *Signed,* John Greene. 1 *p.* *Endorsed,* Recd. July 31. Read Aug. 7, 1699.

466. V. Copy of a Commission of War granted to John Banks, Dec. 10, 1694. *Signed and endorsed as preceding.* 1 *p.*

466. VI., VII. and VIII. Copies of the proceedings at the trials of Richard Cornish, Georg Cutler and Robert Munday for piracy. Newport, March 28, 1699. *Signed,* Sam. Cranston. *Endorsed,* Recd. July 31, 1699. 12¼ *pp.*

466. IX. Copy of Examination of Robert Mason, one of the men that ran away with Capt. Gullock's ship. Newport, April 20, 1699. *Endorsed as preceding.* 1¼ *pp.*

466. X. Copy of a Proclamation by the Government of Rhode Island prohibiting correspondence with the Scotch at Darien. Newport, May 26, 1699. *Same endorsement.* 1¼ *pp.*

466. XI. Abstract of the Laws of Rhode Island, May 5, 1665-May 4, 1698. 87 *pp.* [*Board of Trade.* Proprieties, 3. *Nos.* 32, 32 I.-XI.; *and* (*without enclosures*) 26. *pp.* 57-65.]

1699.
May 29.
Boston

467. Governor the Earl of Bellomont to the Council of Trade and Plantations. I arrived here the 26th inst., having left N. York on the 16th, and prorogued the Assembly the morning I came from thence. I had writ several letters, but having not had time to finish that which treats of the affairs of the Assembly, because of proroguing them, I have since had a fit of the gout by taking cold at sea, so that I cannot well finish my packets and make 'em up timely enough to send by this ship, but will send them next week. The Assembly of New York have settled the revenue for six years after the year which is still unexpired of the former term. They have also passed some good Acts besides, all which I intend shall be transmitted to your lordships very speedily. One of the Acts, for vacating the two extravagant grants from Col. Fletcher to Mr. Dellius, that to Col. Bayard which took in also part of the Mohacks' land and of which they complained to me, that to Capt. Evans, that of the Governor's demesne to the Church and that to Mr. Cabel Heathcote, has raised against me the most implacable rage of the grantees, and the other people who have grants full as extravagant and ruinous as these to the interest of the Provinces are alarmed and become as much my enemies as those the Act dismounts of their grants. But having the order of the Lords Justices, I value not the resentment of a few undeserving men, being sure 'tis not for the interest of the Crown or the Provinces that three-quarter parts of the lands should be in the hands of ten or eleven men. Therefore am I for abolishing the rest of the Palatinates (for such vast tracts deserve no less a name) the next Session, if I have strength. But, indeed, I can promise nothing without a good lawyer to be Chief Judge and to sit in Council, and a good active lawyer to be Attorney-General. I have stood single on my own legs in all these difficulties, and 'tis impossible for me always to bear all the burthen of business. The Bill for vacating grants begun with us at the Council Board, and we sent it down to the Lower House, and there they added a clause for depriving Mr. Dellius of his benefice at Albany, so that we were obliged to pass that clause as part of the Bill or we must have lost the Bill, and I thought it better to loose a wicked clergyman than a good Bill.

One of the letters I have prepared for your Lordships treats wholly of Naval Stores, wherein I demonstrate plainly that the province of New York is the only fit place for the King and Nation of England's being supplied with pitch, tar and rozin, and I believe masts too (*repeats part of letter of April* 17 *and* (*May* 15) *his comment on the caution given him not to pass an Act for reimbursing Leisler's party*). *Holograph.* 4½ *pp.* *Signed*, Bellomont. *Endorsed*, Recd. July 15. Read Aug. 10, 1699. *Prefixed*, Abstract of above. ½ *sheet.* *Enclosed*,

467. I. Printed Copy of Lord Bellomont's Proclamation, May 15, 1699, about the Scotch at Darien. *Endorsed*, Recd. July 15, 1699.

467. II. Printed Copy of Lord Bellomont's Speech to the Assembly, March 21, 1699. 3 *pp.* *Endorsed as preceding.* [*Board of Trade.* New York, 8A. *Nos.* 32, 32 I., 32 II.; *and* (*without enclosures*) 53. *pp.* 310-315; *and* 45. *pp.* 35, 36.]

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May 29. **468.** Petition of Sir Thomas Lawrence, Bart., late Secretary of Maryland. Edward Cranfeild has enjoyed the office of Commissioner of Customs in Barbados for several years, and also the place of Clerk of the Naval Office. He is now in England, and intends to officiate through his deputy in the island, Mr. Cox. The petitioner, in consideration of the losses and hardships he has suffered in His Majesty's service under the oppressions of Colonel Lionel Coply, late Governor of Maryland, begs for the grant of the above posts for himself during residence. *Copy. On back,*

Whitehall. 468. I. Referred for consideration and report to the Council of Trade and Plantations. *Signed,* James Vernon. *Endorsed,* Recd. Read May 31, 1699. 2 *pp.* [*Board of Trade.* Barbados, 8. *Nos.* 2, 2 I.; *and* 44 A. *pp.* 280-282.]

May 29. **469.** Petition of Col. Francis Collingwood praying for the place of Lieut.-General of the Leeward Islands vacant by the death of Col. Hill. Referred for consideration to the Council of Trade and Plantations. *Signed,* Ja. Vernon. *Endorsed,* Recd. Read May 30, 1699. [*Board of Trade.* Leeward Islands, 6. *No.* 25; *and* 45. *pp.* 364, 365.]

May 30. **470.** Abstract of Papers relating to the English Title to Penobscot [*see No.* 108]. In 1621 King James I. first made a particular grant of Nova Scotia to the Earl of Sterlin, who sold his right to M. Claude de la Tour, a Frenchman, to be held under the Crown of Scotland. About this time, or probably some time before, some inhabitants of Plymouth seated themselves in the country about Penobscot, but were several times disturbed by the French, who either through M. de la Tour's purchase or some sort of concession obtained from Charles I., had got some footing in Nova Scotia, and pretended to extend their jurisdiction over Penobscot also.

In 1654 Cromwell sent a fleet and seized upon all, both Nova Scotia and Penobscot, as being antiently part of the English Dominion, and thereupon the French proprietor, son of the forementioned De La Tour came into England and sold his whole rights and title to that country to Sir Thomas Temple and Mr. Wm. Crown. They enjoyed the same till 1667, when it was agreed by the Treaty of Breda that Nova Scotia should be surrendered to the French, which was done by Temple in 1670. But he and Crown having agreed upon some division of the country between themselves, in which Penobscot fell to Crown's share, when the surrender came to be made, Temple being then upon the place, and willing to ingratiate himself with the French, delivered unto them Penobscot also, with which Charles II. was displeased. Not long after, a war happening between France and Holland, the Dutch took from the French the fort that had been built at Penobscot by Temple or Crown, which they demolished and quitted. Charles II. then ordered the Governor of New York to take that country under his jurisdiction, and it was annexed to the Government of New York by the Duke of York's Patent for the same. But the French still keeping possession of some parts of it, Sir Edmund Andros, Governor of New York, invaded them and

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took the habitation of M. Costien, a Frenchman, near the entrance of Penobscot River. Since his Majesty's accession, Penobscot and Nova Scotia also have been by the Charter of the Massachusetts Bay annexed to the Government of that Colony.

Extract of Mr. Crown's Memorial concerning the English title to Penobscot. Sir Thomas Temple, out of enmity and hatred to William Crown, went beyond his commission and delivered up Penobscot to the French, but Charles II. would not consent to it.

Extract from Heylin's Cosmography. Nova Scotia containeth that part of the countries of Canada or Nova Francia which the French call Accadie or Cadie, being a peninsula, with so much of the mainland as lieth between the River Canada and the large Bay Françoise from the river of St. Croix upon the west to the Isle of Assumption *alias* Nantiscotec in the mouth of the River Canda on the east.

Abstract of a paper drawn up by the Board of Trade and Plantations for the use of the English Commissioners appointed to treat with the French.

St^a. Croix by the antient patents and later grant to the Duke of York is the north-easternmost bound of Nova Scotia.

Penobscot was the outermost fort of the English to defend the country as far as St^a. Croix, which was demolished 1672, and the English afterwards defended that country by Pemaquid. Pemaquid has for 30 years and upwards been in the uninterrupted possession of the English and often visited by Governor Sir Edmund Andros. It was taken by the French and Indians in 1696 and demolished, and the people were forced to retire nearer Boston for their security. If the French are now in possession of it, they ought to restore it to us in pursuance of the treaty, as we have rendered St. Christopher's to them. *Endorsed*, May 30, 1699. 6 *pp.* [*Board of Trade.* Plantations General, 5. *No.* 16; *and* 35. *pp.* 44-47.]

May 30. Whitehall. **471.** Journal of Council of Trade and Plantations. Mr. George Larkin, recommended by Sir Charles Hedges as fit to be employed in inspecting the trade at Newfoundland, attended as desired, and expressed his willingness to go.

Col. Collingwood's Petition to be L.G. of the Leeward Islands read.

Extract of advices from Jamaica to Mr. Heathcote read, and ordered to be sent to Mr. Secretary Vernon.

May 31. Petition of Sir Thomas Lawrence read and referred to the Treasury.

Representation upon Col. Collingwood's petition signed and sent to the Council Board. [*Board of Trade.* Journal, 12. *pp.* 58-60; *and* 96. *Nos.* 88, 89.]

May 30. **472.** Minutes of Council of Virginia. Coroner's inquest on the body of Sarah, wife of Samuel Bray, of Charles City County, delivered to Mr. Attorney General to prosecute the offenders mentioned. £10 given to Mr. Commissary Blair to divide among ten ministers who preached last General Court and this General Assembly.

Offenders in the Nansemund affair ordered to be prosecuted. Complaints of evil and seditious practices used by the people called

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Quakers referred to Mr. Blair to consider how to prevent the like in future.

May 31. Peter Hack, Deputy Collector, reporting that William Alding, master of the *Good Speed* of New England, had made a legal entry, but sailed out of Potowmeck River without clearing, prosecution ordered accordingly. Mr. Attorney General reported his opinion that entries in the Council Books are not Records. Mr. Deputy Secretary replied to H.M. instructions concerning his office, and Mr. Attorney General was ordered to prepare bonds and oaths proper to be taken by Mr. Secretary and his clerks.

June 1. John King examined concerning the libel published by Samuel Grey. Petition of James Mason for a horse forfeited to the King by the death of Thomas Binns, of Surrey County, referred to Col. Harrison. Barentine Howell's complaint against Daniel Parke, late escheator of York County, referred to the Attorney General. [*Board of Trade.* Virginia, 53. *pp.* 263-266.]

May 30 and 31. **473.** Journal of General Assembly of Virginia. The two Bills as agreed to by the House of Burgesses, May 25, passed. Bills for lightening the poll tax, taxing imported servants and slaves and liquors, appointing a treasurer and a committee to revise the laws, and confirming titles to Town Lands presented and read a first and second time.

June 1. The Book of Public Claims sent from the House of Burgesses was read and agreed to, with an amendment. Bill against the exportation of corn read a third time, with amendments. The Bill for ascertaining the value of money rejected and the matter thereof referred to the Committee for revising the laws. The Burgesses attending, the Governor communicated to them H.M. instructions about the Collectors and Naval Officers, and recommended them to make a law to ascertain the fees they thought necessary to be taken by them. He also recommended them to come to some conclusion about the Nansemund affair.

June 2. Bills for revising the laws, and confirming titles to Town Lands, passed with amendments. Report of the Committee to settle the claims to Blackwater and Pamunkey lands agreed to and sent to the Burgesses. It was decided not to be convenient to send to the Piscatoway Indians, who were said to be harbouring Indian Tom in an island in Potomac River, for the islands in Potomac belong to Maryland, but to issue a proclamation for his apprehension, and acquaint the Governor of Maryland. The House of Burgesses signified their acceptance of the amendments to the Book of Claims and Bills for appointing a committee to revise the laws and confirm the titles to town lands. H.E. read the Address of the Burgesses in reply to his speech at the opening of the session. With regard to the Instructions; they conceived that their House was not concerned in transmitting the laws and that a levy by poll was the best and most equal method of defraying the public charges. They did not approve of the proposal to empower the Governor and Council to raise, if necessary, a general levy. They could not answer about the anticipation of the revenue. They would observe the proposal to make all laws without limitation of time. The holding of Courts ought to be at times appointed by law. The sending over a survey did not concern their House. His Majesty's favour in permitting a free trade with the Indians was acknowledged and already complied with by a Bill. The limitation of appeals to the General Court had been referred to the Committtee for revising the Laws. Inhumane severities to Christian servants were already provided against by law. Negroes born in the country were generally baptized, but for negroes imported, the gross barbarity and rudeness of their manners, the variety and strangeness of their languages and the weakness and shallowness of their minds rendered it in a manner impossible to attain to any progress in their conversion. And as to the conversion of the Indians they made no doubt of the care of the Royal College therein, being encouraged and obliged thereto by the donation of a pious and noble benefactor (Hon. Robert Boyle). The country was not in a capacity to raise money and build public workhouses for the employment of the poor, who were already by law provided for an easier way; nor could the country afford at present to build a State House. The proposal to list and arm Christian servants would be very burdensome, uneasy and ruinous to the inhabitants. For besides the loss to the owners of their service, the "Christian servants in this country for the most part consist of the worser sort of people of Europe, and since the Peace, such numbers of Irish and other nations have been brought in, of which many have been soldiers in the late wars, that in our present circumstances we can hardly govern them, and if they were armed and had the opportunity of meeting by musters, we have just reason to fear they may rise upon us; and if there should be occasion for the defence of the country (which God forbid), to make use of them, 'tis much to be doubted that for the sake of their freedom and the difference of the religion of a great many of them (especially the Irish) and for other reasons, they would rather be our enemies than contribute to our assistance." The proposed alteration in the Militia they referred to the Committee for the revisal of laws. The fortifications being decayed and ruinous, they proposed that there should be no further charge about them, and that the powder be distributed in the several counties. Insurrection might be suppressed by the Militia, and the proper defence of the country against an enemy by water would be by naval force, if not too chargeable. For present purposes the taxes seemed sufficient, but in case of necessity the Governor and Council might raise one Lieutenant and eleven Rangers for defence of the Frontier against the Piscatoway Indians, whose behaviour seemed threatening, or raise men in case of war with an outside enemy. [*Board of Trade.* Virginia, 52. *pp.* 118-145.]

May 30 and May 31. **474.** Journal of House of Burgesses of Virginia. Revisal Bill, and Bill for confirming titles passed with amendments. Bills appointing Treasurer and taxing liquors and servants passed. Bill for the building of the Capitol read the second time and committed.

Some libellous verses directed to Mr. Speaker being read, and Mr. John King, New Kent County, being summoned said they were the same as some read to him by Mr. Grey, a minister in Middlesex County. Ordered to be sent to the Governor with a view to a prosecution. The Book of Claims was agreed to and sent up for concurrence.

1699.
June 1. Mr. Perrigrin Cony, Chaplain of the House, being sick, returned thanks by letter for his allowance of £20. An address to the Governor for restraining the killing of whales was ordered. The hearing about Mr. Godwin's election was adjourned.

June 2. Address to the Governor prepared. Report of Committee about Pamunkey lands and bounds of Virginia presented. (*And see preceding abstract under date.*) Address in reply to the Governor's speech approved and presented. Bills prohibiting export of corn, appointing a Committee for revising the Laws, confirming Titles, and the Book of Public Claims, sent down by the Council with amendments, were agreed to. Mr. Allerton and Mr. Lloyd were granted leave to go home. On examination of the matter of the election for Nansemond County, the Sheriff was ordered to amend his return by rasing out the name of Thomas Godwin and inserting that of Thomas Milner. Committee for proportioning the public levy appointed. Address to the Governor for the restraining the killing of whales sent to the Council for concurrence. [*Board of Trade.* Virginia, 52. *pp.* 441-457.]

May 31. Whitehall. **475.** William Popple to William Lownds. The petition of Sir Thomas Lawrence for the places of Commissioner of the Customs and Naval Officer in Barbados is referred to the Lords Commissioners of the Treasury, on whom those offices depend. [*Board of Trade.* Barbados, 44A. *pp.* 281, 282.]

May 31. Kensington. **476.** Order of the King in Council, referring the report from the Commissioners of Customs to the Commissioners of the Treasury, upon the complaint of Mr. Sharp, Commissioner and Collector of Customs at Bridgetown in Barbados, to the Council of Trade and Plantations, to examine and report upon. *Signed,* John Povey. 1 *p.* *Endorsed,* Recd. June 7, Read June 20, 1699. *Enclosed,*

Feb. 21. Custom House, London. 476. I. Commissioners of Customs in reply to enquiry from the Council of Trade and Plantations through Mr. Lowndes' letter Dec. 20, 1698, containing a complaint from Mr. Sharp of the breach of the Acts of Trade and Navigation in Barbados, report that Mr. Sharp having been diligent in making seizures for transgression of the Acts of Trade and Navigation and particularly of the sloop *Dolphin*, had made himself many enemies who threatened him with their interest, but that the Governor, Colonel Gray, gave him countenance and protection in the due discharge of his trust, so that the design of this letter from the said Mr. Sharp seems chiefly intended to preserve himself in your Lordships' good opinion against any complaint which should be made here of his proceedings. *Signed,* C. Godolphin, Walter Yonge, Samuel Clarke, Benjamin Overton. 1 *p.* *Endorsed,* Read May 29th.

May 31. Custom House, Bridgetown. Oct. 26. 1698. 476. II. William Sharp to the Lords of the Treasury. I am forced to make a complaint relating to the Acts of Trade and Navigation. Several of the merchants, traders and planters of this place (I suppose by virtue of the late unhappy indulgence of which I did often complain home) do not scruple the public importing of foreign European goods and manufacture and also the enumerated plantation commodities, without any manner of cocketts, certificates, or custom-house clearings for the same as the laws in such cases appoint. And publicly have registered a Frenchman to be part owner of a vessel here, and several other most notorious breaches of the said Acts they make. They have the confidence to say they will make it not worth any man's while to serve the King here, and that if any of the Custom House officers shall for the future presume to put in execution the unreasonableness, as they call it, of the Acts of Trade and Navigation, it shall cost them a thousand pounds sterling but that they will either get them turned out at home or ruin them here.

Notwithstanding, I adventured to give positive orders and seized all those vessels which had made the unlawful importations as aforesaid. I sent for the Frenchman, Mr. Peter Flusian, in whose name as a part owner, the sloop *Dolphin* was registered and demanded of him how he became qualified to be such an owner. He showed me a paper which at first view I thought did not at all come up to the matter. I accordingly sent an officer on board and laid his vessel under a sort of suspended seizure, till I had advised with His Excellency in Council and the Attorney and Solicitor General. They approved of my action. I then made a formal seizure of the sloop with all such enumerated commodities on board as were not in accordance with the regulations. All this while, which was but a very few days, they made the greatest noise imaginable, saying that no vessel or goods ought to be stopped or detained on any account whatever by any commission of the Customs. After this Captain Charles Thomas, the Receiver of His Majesty's casual revenue of this island came to me and told me he had about five hundredweight of cocoa-nuts on board the sloop, and prayed for a permit to bring them on shore. I answered that it being all seized in His Majesty's name, I would by no means adventure to let any part be moved till after a libel filed and a lawful trial had.

He went away much concerned, and geting all the owners with him forthwith sent me five several actions, one in his own name and the others in the names of the other owners, amounting in all to claims for nearly ten thousand pounds against me and my officers. And by way of experiment, to see, I suppose, how the Government would bear it, they arrested, and actually ran into the common gaol, one of his Majesty's Custom-house officers in this port, for having seized a waterman's boat and some goods she was running without any manner of cocket, permit or duties paid for the same, and did design, it seems, all the rest of them

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thither in a day or two's time, intimating that that was the only safe and fit place to keep them from doing mischief. Upon this several of the Custom-house officers, in the greatest dread and concern imaginable, brought me their commissions, saying it was hard indeed a man must either be forsworn, betray his trust or be thrown into a gaol and ruined by these ——— most dangerous sort of people. But I extremely checked this dangerous fear, and commanded each of them, at their peril faithfully to pursue the laws in force here and their instructions, assuring them of my estate and person for their securities in all such cases. I acquainted his Excellency the Governor immediately with these and some other grievances of the kind, which I shall now forbear troubling your Lordships withal, as on all other occasions of his Majesty's service, both at home and abroad, so particularly on this has his Excellency signalized himself, giving new life and circulation to all his Majesty's otherwise stagnating revenues of this island. His Excellency publicly declared that he would strictly maintain the Acts of Navigation and Trade in force, and would not suffer the Custom House officers to be trampled on. Sending for the Provost Marshal, he checked him severely, and ordered the officer to be released immediately. This report is intended to show your Lordships and my very good Lord Ranaleigh, Lord Bishop of London, Col. Kendal, my father-in-law, Sir Thomas Mompesson, and others who obtained me my place, that I am doing my duty. Our Bridgetown is raw, and for some months past has been as sickly as ever. His Excellency's kinsman, Mr. Grey, the captain of our man-of-war, with abundance more, are gone to their long homes. *Signed*, William Sharpe. 4 *large closely-written pp.* [*Board of Trade.* Barbados, 8. *Nos.* 6, 6 I., 6 II.; *and* 44A. *pp.* 287-296.]

May 31. **477.** Richard Lloyd to Council of Trade and Plantations. My affairs require my going to Ireland in a short time and therefore I humbly pray the favour that a day may be appointed for me to produce Sir Wm. Beeston's orders, and letters and original papers of which I have inserted copies in my Journal (May 23), and also that I may bring witnesses to matters of fact therein mentioned and that Mr. Heathcote may be present to make his objections on the Governor's behalf. *Signed*, Richard Lloyd. 2 *pp.* [*Board of Trade.* Jamaica, 8. *No.* 118.]

May 31. **478.** Minute of Council of New York. Demurrer of John Bulkeley and William Bickley read. Petition of William Creed read. Mr. Livingston's accounts audited and ordered to be paid. [*Board of Trade.* New York, 72. *pp.* 246, 247.]

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479. Minutes of General Assembly of Massachusetts Bay. The Representatives were sworn:—For Boston, John Eyre, Theophilus Frarey, Capt. And. Belcher, John White; *Salem*, Benj. Browne, Josiah Woolcott; *Ipswich*, Maj. Fran. Wainwright, Sam. Appleton; *Roxbury*, Samuel Ruggles; *Dorchester*, Capt. Samuel Clap; *Milton*, Capt. Thomas Voss; *Brantrey*, John Baxter; *Weymouth*, John Rogers; *Hingham*, William Hearsey; *Dedham*, Daniel Fisher; *Medfield*, Benjamin Clarke; *Charlestown*, Sam. Phips, Jacob Green, jun.; *Cambridge*, John Leverett; *Newton*, Capt. Isaac Williams; *Watertown*, Capt. Benj. Garfield; *Sudbury*, Peter King; *Marlboro'*, Saml. Brigham; *Groton*, Capt. Jonas Prescott; *Concord*, Jonathan Prescott: *Chelmsford*, Nath. Hill; *Bilrica*, Joseph Thomson; *Woobourne*, Major James Converse; *Reading*, Hananiah Parker; *Medford*, Peter Tufts; *Maulden*, Isaac Hill; *Sherborne*, Capt. Joseph Morse; *Kittery*, Joshua Downing; *Wells*, John Wheelwright; *Plymouth*, Nathaniel Thomas; *Situate*, Samuel Clap; *Marshfield*, Isaac Little; *Bridgwater*, Josiah Edson; *Newbury*, Major Thomas Noyes; *Lynn*, Captain John Burrill; *Marblehead*, Capt. Wm. Dodge; *Beverly*, Saml. Balch; *Wenham*, John Newman; *Rowley*, Capt. Daniel Wicom; *Andover*, Col. Dudley Bradstreet; *Haverhill*, Richard Saltonstal; *Bradford*, Capt. David Hazeltine; *Topsfield*, Tobijah Perkins; *Boxford*, John Peabody; *Gloucester*, Capt. James Davis; *Salisbury*, Nath. Browne; *Aimsbury*, Capt. Thomas Harvey; *Springfield*, John Hitchcock; *Northampton*, Joseph Hawley; *Hadley*, Thomas Hovey; *Hatfield*, Sam. Partrigg; *Westfield*, Sam. Root; *Barnstable*, John Otis; *Sandwich*, Capt. Will. Bassett; *Yarmouth*, Thomas Sturgis; *Eastham*, Capt. Jonathan Sparrow; *Bristol*, Ebenezer Brenton; *Swanzey*, Joseph Kent; *Taunton*, Capt. Thomas Leonard; *Rehoboth*, John Hunt; *Little Compton*, John Woodman. They chose Major James Converse for their Speaker. [*Board of Trade.* New England, 48. *pp.* 283, 284.]

May 31.
Whitehall.

480. Council of Trade and Plantations to the King, recommending Col. Collingwood's petition. (*See No.* 469.) *Signed*, J. Bridgewater, Tankerville, Wm. Blathwayt, Abr. Hill. [*Board of Trade.* Leeward Islands, 45. *p.* 366.]

May 31.
Kensington.

481. Order of King in Council. Commission for Col. Francis Collingwood to be Lieutenant-General of his Majesty's Leeward Charibbe Islands in America to be prepared. *Copy.* Endorsed. Recd. June 10. Read June 20, 1699. [*Board of Trade.* Leeward Islands, 6. *No.* 26; *and* 45. *pp.* 368, 369.]

May 31.
Kensington.

482. Order of King in Council. Petition of Proprietors of West New Jersey, praying his Majesty to allow and approve of their choice of Andrew Hamilton to be Governor, referred to Council of Trade. *Signed*, Edward Southwell. *Endorsed*, Recd. June 2. Read June 20, 1699. *Enclosed*,

482. I. Copy of Petition mentioned above. *Signed*, John Moor, James Boddington, Michael Watts, Joseph Brookbank, Paul Dominique, Robert Michel, John Bridges, Fran. Minshall. [*Board of Trade.* Proprieties, 3. *Nos.* 21, 21 I.; *and* 25. *pp.* 446, 447.]

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483. Col. Quary to the Council of Trade and Plantations. About 60 pirates have arrived in a ship from Madagascar. They are part of Kidd's gang. About 20 have landed in this Government, and 16 at Cape May. The ship lies near the Cape of this Government waiting for sloops from New York to unload her. She is a very rich ship. All her loading is rich East India bale-goods and abundance of money. I seized two of the pirates and conveyed them safe to Burlington Gaol. If I had brought them to this Government they would have been set at liberty as Avery's crew were. I pursued two others and lodged them in Philadelphia. I informed the Lt.-Gov. Markham and with his assistance lodged them safe in gaol. I discovered their money and goods, which he hath taken into his hands and refuses to lodge them with the Admiralty officers or to allow me to take an account of them. I offered if he would impress a vessel and raise me forty men to seize the ship and all in her, but could not prevail with him. It's a very miserable thing to live under a Government of upwards of 7,000 men capable to bear arms where there is no militia or any means to serve the King. I have sent an express to the Governor of Virginia and Maryland and all the Governors northwards. The Governor of the Jerseys is very ready and active on this occasion. I have 2,000 pieces of eight which I took from the two first pirates. I hope to be reimbursed my charges out of them. If I have your orders I will take care a proper account is rendered of their effects. All that serve His Majesty here are very uneasy to find there is no notice taken of their complaints of the affronts and threats the Government put upon them and His Majesty's authority. Unless some action be taken, it will soon be impossible to get men to serve the King here, especially in what relates to the Admiralty, there being no salaries allowed to the officers. *Signed*, Robt. Quary. *Endorsed*, Recd. Aug. 4, Read Aug. 7, 1699. 3 *pp*. *Annexed*,

483. I. Abstract of preceding letter. 1¼ *pp*. [*Board of Trade*. Proprieties, 3. *Nos*. 30, 30 I.; *and* 26. *pp*. 42–47.]

June 1.
Bermuda.

484. Anthony White to John White, his son in Carolina. Mr. Nicholas Trott promised me to do you any kindness he can. If he be come to Carolina, tell him it is worse and worse here. One prison will not hold all that comes thither, 20, 30 and 50 pieces of eight have been demanded by Crayne the sheriff. Pray take care to send my letters by some careful hand, for the letters are put now into the secretary's office and so broke open what they please. *Extract*. 1 *p*. *Endorsed*, Recd. Read Nov. 28, 1699. [*Board of Trade*. Bermuda, 3. *No*. 41; *and* (memorandum of above) 29. *p*. 243.]

June 1.

485. Memorial of Mr. Weaver to Council of Trade and Plantations on behalf of Thomas Duncomb. The petitioner (Duncomb) is a man of great estate, was for many years Justice of the Peace, one of the Judges of the Common Law and a Councillor of high repute in Antigua. But about a year and a half ago, one Ham, a poor master of a small sloop was put in jail by virtue of a warrant from Governor Codrington; Mr. Duncomb, as Judge, finding him not committed for any criminal matter admitted him to bail, whereat Governor Codrington was so enraged that he suspended Mr. Duncomb from being a Councillor, never formulating any definite charges against him but informing your Lordships that he was a sot and a drunkard; a general calumny which he is no more deserving than most gentlemen of estate in that government. *Signed*, T. Weaver. *Endorsed*, Recd. June 3, Read June 29, 1699. [*Board of Trade*. Leeward Islands, 6. *No*. 27; *and* 45. *p*. 376.]

June 1. **486**. Minutes of General Assembly of Massachusett's Bay. New Councillors presented to the Governor and sworn. The Governor, addressing the Assembly, recommended an Act reviving the Courts of Justice, the engaging of the neighbouring Indians in trade, the provision of stores of war and fortification, a Charter of Incorporation for the College at Cambridge and an Act continuing the Revenue. The L. G. and Council congratulated H. E. on his accession. A new Bill, in place of that disallowed, for holding a Court of General Sessions of the Peace within the respective counties and for ascertaining the times for them ordered to be drawn.

June 3. The Jamaica Bill for punishing privateers ordered to be adapted to this Province. Committee appointed to prepare the address to H. M. proposed by the Governor. [*Board of Trade*. New England, 48. *pp*. 285-290.]

June 2. **487**. Minutes of Council of Virginia. Warrants for the apprehension of Samuel Grey and to summon Joseph Peacock, master of the *Byrd*, to give evidence, ordered. On the Attorney-General's report, ordered that all Commissions do for the future issue in his Majesty's name and bear test by the Governor. Mr. Byrd reported that the charge of the establishment of a Court of Exchequer would be more than any advantage it would produce.

June 3. The Governor appointed the principal officers of Militia in the several counties:—

Henrico County. William Byrd, Col. and Commander-in-Chief; William Randolph, Lt.-Col., Peter Feile, Major.

Charles City County. Edward Hill, Col. and C.-in-C.; Edward Hill, Junr., Lt.-Col.; Charles Goodrich, Major.

Surrey County. Benjamin Harrison, Col. and C.-in-C.; Henry Tooker, Major.

Isle of Wight County. Samuel Bridges, Lt.-Col. and C.-in-C.; Henry Baker, Major.

Nansemund County. George Nasworthy, Lt.-Col. and C.-in-C.; Thomas Swann, Major.

Princess Anne County. Anthony Lawson, Lt.-Col. and C.-in-C.; John Thoroughgood, Major.

Norfolk County. Lenwell Mason, Lt.-Col. and C.-in-C.; James Wilson, Major.

Elizabeth City County. William Wilson, Lt.-Col. and C.-in-C.; Anthony Armestead, Major.

Warwick County. Miles Cary, Lt.-Col. and C.-in-C.; William Cary, Major.

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James City County. Philip Ludwell, Col. and C.-in-C.; Henry Duke, Lt.-Col.

York County. Edmund Jennings, Col. and C.-in-C.; Thomas Ballard, Lt.-Col.; William Buckner, Major.

New Kent County. John Lightfoot, Col. and C.-in-C.; Joseph Foster, Lt.-Col.; William Bassett, Major.

King and Queen County. William Leigh, Col. and C.-in-C.; Joshua Story, Major.

Gloucester County. Matthew Page, Col. and C.-in-C.; James Ransom, Lt.-Col.; Peter Beverley, Major.

Middlesex County. Ralph Wormeley, Col. and C.-in-C.; Matthew Kemp, Lt.-Col.; Robert Dudley, Major.

Essex County. Ralph Wormeley, Col. and C.-in-C.; William Moreley, Lt.-Col.; John Catlett, Major.

Lancaster County. Robert Carter, Col. and C.-in-C.; Joseph Ball, Lt.-Col.

Northumberland County. Robert Carter, Col. and C.-in-C.; George Cowper, Lt.-Col.; Rodham Kenner, Major.

Westmorland County. Richard Lee, Col. and C.-in-C.; Willowby Allerton, Lt.-Col.; Francis Wright, Major.

Richmond County. Richard Lee, Col. and C.-in-C.; George Taylor, Lt.-Col.; Thomas Lloyd, Major.

Stafford County. George Mason, Lt.-Col. and C.-in-C.; Thomas Owsley, Major.

Accomack County. Charles Scarburgh, Col. and Col.-in-C.; Edmund Scarburgh, Lt.-Col.; Richard Bayley, Major.

Northampton County. John Custis, Col. and C.-in-C.; Nathaniel Littleton, Lt.-Col.; William Waters, Major.

Capt. Aldred ordered to assist Mr. William Barton to get his ship up the river. William Randolph, John Lightfoot, and Matthew Page were appointed escheators. [*Board of Trade.* Virginia, 53. *pp.* 266-271.]

June 3. **488.** Minutes of Council of Massachusetts Bay. *Present*:—H.E. Lord Bellomont, William Stoughton, L.G., Thomas Danforth, John Pynchon, James Russell, Elisha Cooke, John Hathorne, Elisha Hutchinson, Samuel Sewall, William Browne, John Phillips, Jonathan Corwin, John Foster, Peter Sergeant, John Walley, Barnaby Lothrop, John Thacher, Joseph Lynde, Daniel Peirce, Samuel Wheelwright, Nathaniel Thomas, John Saffin, Eliakim Hutchinson, Penn Townsend, John Appleton, Joseph Hamond, Nathaniel Byfield, Isaac Addington. A Proclamation ordered forbidding correspondence with the Scots about to settle in America. [*Board of Trade.* New England, 49. *p.* 209.]

June 3.
June 5. **489.** Journal of General Assembly of Virginia. The Burgesses announced that they had agreed to the Bill for confirming titles, with amendments. The Governor communicated

the address of the Burgesses about the business of Nanzemund, and Mr. Attorney General was ordered to prosecute Major Thomas Godwin and Andrew Ross for uttering seditious and highly scandalous words against H. E. and the Royal College. The Burgesses agreed to the report about the Pamunkey and Blackwater lands.

June 6. Joint Committee appointed to agree upon an address to H. E. for restraining the shirking and killing of whales within the capes of Virginia. Bills for building the Capitol and the city of Williamsburgh, for ascertaining Collector's fees and raising a public levy were read a first time. The Burgesses presented their agreement about the proportions of the public claims which was read and agreed to. Bills for an imposition on liquors, appointing a Treasurer (with amendments) were passed. The Governor recommended the Burgesses, when they attended, to raise more money. Mr. Grey having owned the libel and submitted, the Governor remitted him as to His Majesty and himself. A Bill for laying an imposition upon servants and slaves was passed with amendments. Bills for building the Capitol and ascertaining fees were read a second time. [*Board of Trade.* Virginia, 52. *pp.* 145-152.]

June 3. **490.** Journal of House of Burgesses of Virginia. Thomas Milner sworn. Answer about the charges against Messrs. Godwin and Ross agreed upon. The behaviour of Capt. Jordan the Sheriff commended. (*And see preceding abstract under date.*)

June 5. The Sheriff of Westmorland attending showed that when his sub-sheriff had attached part of the estate of Mr. Corbin he did not know he was elected a Burgess. He was accordingly discharged out of custody. The Committee for proportioning the public levy reported that it amounted to 19 pounds of tobacco for every tithable person. A deposit of 1,548lbs. remained in Ann County which they proposed should be allowed to Mr. John Chiles, Messenger of the House, for his extraordinary service. The Surveyors appointed to lay out the land for building the Capitol and Town were ordered to exhibit their accounts. Bill about the Capitol ordered to be engrossed with amendment and read a third time. Bill for ascertaining fees read the first time, Bill for raising a public levy read the first and second times.

June 6. Bill for ascertaining fees read a second time, was amended in Committee and read a third time. Bill about the Capitol passed. Mr. Beverley was granted leave of absence. Amendment to the address upon killing whales agreed to. A deposit of 4,923lbs. of tobacco in Ann ordered to lie till the next meeting of Assembly. The Levy Bill was then passed. The late Treasurer, Mr. Bird, gave an account of the liquor tax to May 15, 1699, showing a balance of £5 15*s.* 11½*d.* which was assigned to the surveyors and Mr. Robert Beverley.

Bill for ascertaining fees passed and a congratulatory address to the King upon the Peace ordered. (*See preceding abstract under date.*) Bills returned were agreed to with amendments. The Governor promised to take care about the matter of killing whales. Payments to Mr. Rachel Sherwood, Robert Beverly, John Tillut, Cope Doyly, and Perrigrin Cony, out of the imposition upon liquors, ordered. [*Board of Trade.* Virginia, 52. *pp.* 457-468.]

June 5. **491.** Minutes of Council of Barbados. James Creswell, purser of the *Dolphin*, was ordered to be sent home on board Capt. Phillips, and various documents relating to the case, including the survey of the ship's stores by Captains Phillips, England and Lemon, to be entered in the Council Book. Mr. Edmund Bedingfield was admitted to act as Clerk of the Council. A memorial by a well-wisher relating to His Majesty's service and the interest of Barbados was approved and ordered to be recommended to the Assembly. [*Board of Trade.* Barbados, 65. *p.* 399; *and pp.* 429-431.]

June 5. **492.** Minutes of Council of New York. Letter from Jeremiah Basse, Governor of the Jerseys, about some of Shelly's men, read. The Attorney General of opinion that the information given therein was sufficient for the Board to summon Giles Shelly and all other persons supposed to come with him from Madagascar to appear before them.

Instructions ordered for the Commissioners to confer with the Indians at Albany. [*Board of Trade.* New York, 72. *pp.* 247-249.]

June 5. **493.** Minutes of Council of Virginia. On petition of Mr. John Scott of Maryland, prosecuted as security in a Navigation bond for Mr. Andrew Gregg now in this government, Mr. Attorney General ordered to prosecute Gregg. Sheriffs appointed:—

(County) Henrico, Thomas Cock.
Surrey, Thomas Holt.
Nansemund, Francis Milner.
Norfolk, Richard Church.
Warwick, William Cary.
Yorke, Thomas Ballard.
King and Queen, John Walter.
Middlesex, Sir William Skipwith, Bart.
Richmond,
Northumberland, Rhodham Kennor.
Stafford, George Mason.
Northampton, Nathaniel Littleton.
Charles City, Robert Bolling.
Isle of Wight, Anthony Holladay.
Princess Anne, John Thorowgood.
Elizabeth City, Coleman Brough.
James City, Henry Duke.
New Kent, William Bassett.
Gloucester, Mordecai Cook.
Essex, John Talliaferro.
Lancaster, Alexander Swann.
Westmoreland, Alexander Spence.
Accomack, Thomas Wetburn.

All persons claiming lands in Pamunkey Neck or on Blackwater Swamp ordered to exhibit them by the first day of the next General Court.

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June 6. Grant of 3,470 acres of land in King and Queen and Essex Counties to William Leigh. The Address of the Burgesses was approved. John King and Joseph Peacock proved the publication of a scandalous libel by Samuel Grey, clerk, who confessed, begged and was granted pardon. [*Board of Trade.* Virginia, 53. *pp.* 271-274.]

June 5. **494.** Hudson's Bay Company to the Lords Commissioners. Reply to the French answer. (*May* 10.) It is like a wilful shutting their eyes against the light to allege that the English knew not the northern countries from 1497. We appeal to all authentic maps, ancient and modern, and to all histories and book(s) of cosmography. We could go higher if it were material, and shew that the Brittains many hundred years before the Union of England and Wales made voyages to those northern countries. But it will suffice that we maintain our discoveries; our several voyages; our taking possession in the right of the crown of England; our English denominations of the places which they justly retain to this day; our trading with the savage nations and our actual settlements in trade, habitations, forts and factories, before ever the French pretended to an emulation or knowledge of the place. Some of those ancient voyages we have mentioned might be made in search of a passage into the South Sea, but that doth not hinder but that a proper discovery might be made of a country, seas or bays, and possession taken of such places in the name of the Prince of such navigators as a rightful possession. It may be observed with what caution the French industriously avoid owning the name of Hudson Bay, but call it the Bay to the North of Canada, which signifies nothing but to show how ill-founded their pretence is to it, and that the very name betrays the emptiness of their title, and yet in all former memorials in 1687 and divers since they have owned the name of Hudson Bay. Nor doth their late giving of the name of Fort Bourbon in their St. Therezia River to our York Fort in Port Nelson avail them anything more. And to show how little knowledge they have had of the place, and the man whose name the bay bears, they have affirmed in a late memorial that Hudson passing in 1665 towards the north in search for a passage into the South Sea discovered the same without entering into it and called it by his name, which contains two notorious errors, because Hudson's voyage was 55 years before the time alleged, and he entered into the Bay, gave it his name and many other English names to other places, wintered there, but perished himself in the voyage. With equal ignorance they allege that in their expedition in 1682 they meeting an English bark from Boston in New England, in the place, there happened to be one Nelson in the bark who upon his arrival called the Mouth of that River Port Nelson, which was called so 70 years before by Sir Thomas Button from one Nelson, his pilot, whom he buried there, as we have set forth. The interruption we mention of prosecuting those voyages and the formal settling of a trade, by all prudent and rational men may well be imputed to the troubles in England not well quieted till the Restoration, and then resumed and found most convenient to be managed by a Joint-Stock, as they were afterwards

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incorporated. But we ask the French whether during those troubles here or afterwards till 1682 they ever took the least notice of Hudson Bay or visited any part of it by sea or land. But then it was that their envy began to rise against a trade which we had brought to yield 50,000 beavers a year, which never produced one skin before, nor ever had navigation in the Bay but by the English. How far the French could avail themselves upon pretences to Carolina we know not, but believe it hath no better foundation than their pretences to Hudson Bay, and they might with as good presumption lay claim to New England and Virginia and what they pleased. If the authors they mean who write of Canada or New France give it no bounds to the northward, they must be taken for partial French authors or ignorant of that part of the world. The grants of the French kings signify nothing to another Prince his right. "Nil dat quod non habet" is a maxim understood of all. And it is plain by all maps that Terra Corterialis and Estoitland are on the North of Canada, and we do not hear that they have yet laid claim to those two countries between us and Canada. As for the wrong inference they make that if the English had had any knowledge of the Bay or any pretentions to it, they would not have failed to have made a reservation thereof in the Treaty of 1632 for restoring Canada to the French, what need was there of reserving that which was so remote? If Treaties avail anything with them they are in no just possession of Canada itself for there was a very great sum of money to be paid to the Kirks Family upon the surrender of it, which never was paid and of which there will be just complaint. The French confess they had no forts on the coasts of the Bay. They date their discovery and first settlements but from 1682, but their excuse for it is very weak, because they had a trade by lakes and rivers, since those lakes and rivers were as fine a communication to the benefit of the English in Hudson Bay as to the French at Quebec, 700 leagues distance by sea. They may as well say because the Channel passeth between England and France and is communicable to both, the French claim the English shore by that contiguity. We believe that no authentic Acts about taking possession can be produced that the savages acknowledged the sovereignty of the French king that can any way affect the English to the prejudice of their right in Hudson Bay. We know the French have used many indirect ways and force to oblige the poor Indians not to come to trade at the Company's Factories, but we conceive they ought to be free and are so to trade where they please. We have said that several expeditions were set out for trial to find a trade and whether it would be worth the engaging in a Joint-Stock before the Company was incorporated. And if Mr. Radisson and Desgroziliers were entertained as servants to the adventurers in those first endeavours what is to be inferred from that? Had they been Spaniards, Portuguese or Venetians it was free for any nation to entertain and employ them. But we deny that we had no knowledge of the Bay before we employed them; for they were no navigators to make a discovery but only useful when we should arrive there, having the language of the savages and so capable to invite them down to trade. The voyages were conducted by English seamen and English pilots. We will agree that the charter in 1670 cannot give

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the Company any right or dispose of any lands whereof France was in legal possession, but we have denied any legal possession of France. They say that in 1675 the inhabitants of Canada sent a ship into the Northern Bay, entered into Bourbon River and wintered there; we know nothing of this action but challenge them to name the ship and commander. And we desire to know when they first called it Bourbon River or Fort Bourbon. We maintain that it was never actually called so till 1694, and if the confident imposing of French names upon places but as yesterday will create them a title they may soon lay claim not only to Hudson Bay but to half the world beside. As to their action in 1682, we repeat that Radisson and Desgrozilier were forbid by the Governor of Canada and afterwards prosecuted in France as pirates. Let Mr. Radisson who is in London give a full narrative of that expedition. He did not go over in 1684 to the service of the Hudson Bay Company to surprize and plunder Bourbon Fort, as stated, but by concert of the Ministers of France and by the directions of His Majesty of England to restore those places he unjustly took from the English. Though we righted ourselves in 1684, yet we had just grounds continued of complaints which we prosecuted in the Court of France, and what passed in the years 1686 and 1687 when Messrs. De Barillion and Bonrepos were here on behalf of the French is to be found on record. The French reflect upon our surprize in 1684 to recover our right upon their unjust invasions in 1682 as done in a time of peace, and as if their further injury in 1686 when they dispossessed us of the bottom of the bay were the consequence of that. We know the French too well not to be aware that they which invaded us so unjustly in 1682 would prosecute their advantage and pursue us with injuries upon injuries. But we admire at their urging it was a time of peace in 1684. Was it not a time of peace in 1682? Were not they the first aggressors? It may be admired at last to see them pretend their losses at the retaking of Port Nelson (which they still call Fort Bourbon without any reason) exceed the losses suffered by the English in their invasion at the Bottom of the Bay. We have lately exhibited an account of our losses and insist upon full satisfaction for the same, and we annex an affidavit by Mr. Radisson sworn in 1697 which cannot but be a final and satisfactory closing to the whole dispute. *Concludes* with reference to the Commission of 1687 and a demand to be maintained in possession of all their places in the Bottom of the Bay and also to be restored to their Factory of York Fort in Port Nelson with satisfaction for all damages and a full recognition of all the said places to the crown of England and the sole trade and sailing to the whole Bay and straits of Hudson as rightful proprietors. 9 *pp.* *Annexed*,

494. I. Copy of affidavit by Peter Espritt Radisson, giving an account of his voyages affirming the above statements. 4 *pp.*

494. II. Narrative of Peter Espritt Radisson in answer to the reply of the French Commissioners. 6 *pp.*

494. III. Translation of M. Callière's direction to Radisson for restoring Port Nelson. 1 *p.* [*America and West Indies.* Hudson's Bay, 539. No. 8. *pp.* 30-49.]

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June 6.
Philadelphia.

495. Col. Quary to the Council of Trade and Plantations. I have by the assistance of Col. Bass, Governor of the Jerseys, apprehended four more of the pirates at Cape May and might have with ease secured all the rest of them, and the ships too, had this Government given me the least aid or assistance, but they would not or so much as issue out a proclamation, but on the contrary the people of this government have entertained the pirates, conveyed them from place to place, furnished them with provisions and liquors, given them intelligence and sheltered them from justice, and now the greatest part of them are conveyed away in boats to Rhode Island. All the persons that I have employed in searching for and apprehending these pirates, are abused and affronted and called enemies to the country, for disturbing and hindering honest men, as they are pleased to call the pirates, from bringing their money and settling amongst them. I enclose the Act they have passed against pirates and privateers. It contains no provision, like the Jamaica Act, making it felony for the King's subjects to serve under any foreign prince against any other prince in amity with His Majesty, though all the roguery in the West Indies has been under colour of foreign commissions. The Jamaica Act makes all such to be accessary that shall knowingly entertain etc. any person deemed or adjudged to be privateers and pirates. But this Act leaves out the word "deemed," so that when I complain of such men, they answer they do not know them to be pirates till they are convicted. The Jamaica Act empowers all commission officers on notice of any privateers or pirates to raise such number of armed men as they think fit; but this Act omits the word "armed," and empowers the Justices, Sheriffs and Constables only to call men to their assistance. If the Quaker Justices can preach the pirates into submission, it is well. The clause making it lawful to destroy pirates who resist is left out, and the penalty for a man refusing to appear when called out is put at only £5. Every care is taken to empower the persons they associate with the Judge of the Admiralty, but there is no provision to empower him, and my Commission from the Admiralty gives me no power to try piracy. But what most sticks with me is how I can try any for their lives when none of the Judges will take the oath of allegiance or the oath of a Judge, nor the jurors their usual oath nor the witnesses swear to their evidence. I hope you will send a Commission under the Great Seal or order pirates to be sent to England, which in my opinion will be much the better way. They have sent home this Act in great triumph to Mr. Penn who knows how to make use of it to serve his ends, but they already fail to put it into execution. We are not out of hopes that, since the wisdom of Parliament hath not thought fit to permit Quakers to give evidence in any criminal cause or serve on juries or bear any office of profit in the Government, they will extend their charity and consider the unhappy circumstances of this place and make the like provision for us. *Signed*, Robt. Quary.

P.S. Since my writing this, Capt. Kidd is come into this Bay with a sloop. A ship stands off and on, the sloop's boat and some of the men have been on shore to mend some iron-work and were kindly received at the Hore Kills, and several of the inhabitants have been on board them. This Government takes no notice of it. I sent an

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express to the Governor of Virginia, who I hope will send the man-of-war hither time enough. The Governor of Maryland has secured some of the pirates. Capt. Shelly, after he had landed and secured all the goods, run the ship ashore near New York and then the merchants concerned informed the Governor against their ship. The pirates I brought here have liberty to confine themselves to a tavern, which is what I expected. The six other pirates in West Jersey are at liberty, for the Quakers there will not suffer the Governor to send them to gaol. *Endorsed*, Recd. Aug. 4. Read Aug. 7, 1699. 3½ *pp*. *Annexed*,

495. I. Abstract of preceding letter. 1¼ *p*.
495. II. Abstract of following act. ½ *p*.
495. III. Copy of the Pennsylvania Law against Pirates and Privateers. 1¾ *pp*.
495. IV. Extracts from similar letter to the Commissioners of Customs. 1¼ *p*.
495. V. Printed Proclamation by the Proprietary of the Province of Pennsylvania. Magistrates and officers charged to apprehend all persons suspected of any connection with piracy. £10 reward offered for the arrest of any such person afterwards convicted. *Signed*, W. Penn, Oct. 23, 1699. *Philadelphia. Printed by Reinier Jansen.* [*Board of Trade.* Proprieties, 3. *Nos.* 31, 31 I.-V.; *and* (*without enclosures*) 26. *pp.* 48-56.]

June 6. **496.** Leonard Compere to Council of Trade and Plantations. The King by Letters Patent, 1674, granted to Tho. Martin (deceased) and Leonard Compere the office of Receiver General of Jamaica, which the latter has filled with Deputies, but the present Governor has refused another and put in one Mr. Broughton and now Mr. Chaplain, who pay Compere nothing out of the profits. *Endorsed*, Recd. Read June 6, 1699. *Enclosed*,

496. I. Copy of Letters Patents referred to in preceding. 3 *pp*. *Signed*, H. Coventry. [*Board of Trade.* Jamaica, 8. *Nos.* 119, 119 I.]

June 6. **497.** William Popple to J. Burchett. You are desired to move the Admiralty to order the captain of the *Deale Castle* to receive on board such sum of money as shall be sent him by Mr. Thurston (*May* 26). [*Board of Trade.* Newfoundland, 25. *p.* 313.]

June 6. Admiralty Office. **498.** J. Burchett to W. Popple. Directions according to your letter will be sent by this night's post to Capt. Fowles at Spithead. *Signed*, J. Burchett. *Endorsed*, Recd. Read June 7, 1699. ½ *p*. [*Board of Trade.* Newfoundland, 3. *No.* 146; *and* 25. *p.* 313.]

June 6. Whitehall. **499.** William Popple to Sir Henry Ashurst, Bart. No progress having been made in the matter of the Attorney and Solicitor General's report upon the New England Address about Appeals for want of your attending them about it (*See* Dec. 16, 1698), unless you speedily procure the dispatch of it the Lords Commissioners of Trade and Plantations will desire Mr. Attorney and Mr. Solicitor to report without you. [*Board of Trade.* New England, 37. *p.* 140.]

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June 6.
Barbados.

500. Governor Grey to Council of Trade and Plantations. Your Lordships' letter of the 2nd Feb. came safe to my hands with the Book of the Acts of Trade and an Act relating to the Plantations, as likewise fresh instructions from His Majesty. I must confess I should have returned your Lordships thanks before this, but that I waited for an opportunity of sending something worth communicating from this quarter of the world. But nothing of moment happening here, and Mr. Hart, my Secretary, going for England for the recovery of his health, I cannot slip the opportunity of acquainting your Lordships that I have exactly observed hitherto the Acts of Trade according to my instructions from the King, and resolve to do so, and all those that shall be from time to time transmitted to, my Lords, your Lordships' most obedient humble servant. *Signed*, R. Grey. *Endorsed*, Recd. Read, Aug. 11. 1 *p.* [*Board of Trade.* Barbados, 8. *No.* 11; *and* 44A. *pp.* 312, 313.]

June 6.
Nevis.

501. President and Council of Nevis to James Vernon. Since our last of May 17, we informed the Governor of Jamaica and Admiral Bembo what we had then heard in relation to that notorious pirate Capt. Kidd, hoping it would have proved for His Majesty's service. But H.M.S. *Queenbrough*, Capt. Rupert Billingsly, Commander, being now returned from the cruize after Kidd, advises us he is informed by the inhabitants of the Virgin Islands that said Kidd is gone farther to Leeward, and, as they believe, to the Scotch new settlement in these parts. We believe it necessary to transmit you this further accompt as also that Col. Collingwood died on 28th May last. *Signed*, Wm. Burt, Mich. Smith, Dan. Smith, Jno. Smargin, Richd. Abbott. *Addressed. Endorsed*, Recd. July 28, '99. [*Board of Trade.* Leeward Islands, 6. *No.* 27 A.]

June 6.
Boston.

502. Minutes of Council of Massachusetts Bay. Mr. Nelson allowed to export grain to St. John's River, the harvest there having failed. [*Board of Trade.* New England, 49. *p.* 210.]

June 6.
Whitehall.

503. Journal of Council of Trade and Plantations. Upon consideration of Col. Codrington's instructions, the Secretary was ordered to enquire of Mr. Sansom the names of the two principal officers of the Customs in the Leeward Islands.

Letter written to Mr. Burchet about sending money by the *Deale Castle* for the Company at Newfoundland.

Upon consideration of the long delay of the Attorney and Solicitor General's report upon the New England address about appeals, the Secretary was ordered to write to Sir Henry Ashurst that if he do not procure the dispatch of it, their Lordships will be obliged to desire Mr. Attorney and Solicitor to make such report as they can without him. Mr. Thomas Tresilian offered his service in remedying some abuses in curing pilchards.

Mr. Leonard Compier presented a copy of his Patent and a state of his case.

June 7.

Answer from the Admiralty (Mr. Burchet) read.

Orders of Council (May 18) about Mr. Jones' petition, Mr. Lucas' fine, Governor Grey's present, and repealing an Act of Barbados, read.

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Two letters from Mr. Lloyd, May 23 and 31, read. Ordered that his account of the invasion of Jamaica 1694, and the Act for a present to Sir William Beeston be taken into consideration when the Act is returned by the Solicitor General.

Mr. Trott's defence was read, and Mr. Bradshaw's memorial, May 23, read and referred till the Board should be more full. [*Board of Trade.* Journal, 12. *pp.* 61-64; *and* 96. *Nos.* 90, 91.]

June 6. **504.** Minutes of General Assembly of Massachusetts Bay. Address to H.M. presented to the Governor, who was thanked for his speech. Bills for punishing privateers and pirates; establishing a Post Office; and General Sessions; read the first time.

June 7. The above Bills read a second time and committed. Bills for establishing inferior Courts of Common Pleas; and superior Courts; read twice and committed. Joint Committee appointed for reprinting the Laws.

June 8. Amendments to the Bills establishing Courts read and approved.

June 9. The Bills transcribed were read a third time, passed, and sent down to the Representatives.

June 10. Bills for reviving and continuing actions depending; and for regulating proceeedings in the Courts of Justice; read twice and committed. [*Board of Trade.* New England, 48. *pp.* 291-295.]

June 7.
Jamaica.

505. Governor Wm. Beeston to Governor the Earl of Bellomont. I have received yours of Aug. 18 and April 25, and with the last one for M. Durasse, which shall be sent forward by the first conveyance, though we have not many thither, for since the Peace they have forbidden trade with all but the Spaniards, whom they are much in love with, supposing them and their country to be their own as soon as the King of Spain dies, and the Spaniards are as fond of them and admit them to trade and into their ports who have beating of them for these ten years past, but to the English, who have been so long fighting for them and spending their blood and treasure to defend them, they refuse all civility and common respect, and call 'em ill names because the Scotch are settled at Darien, which they will not believe is without the King's consent or connivance at least, though I have written to all the Governors to assure them of the contrary, and have issued out a proclamation that none go near the Scotch nor trade with them nor assist them with provisions nor anything else, and have sent duplicates of it to the Governors, nevertheless the French have gotten such an interest in them by reason of their Churchmen and religion that they tell them all is a blind, and that the English and Scotch are all one people, and the French have reason if they expect the Indies, for the Scotch will then be as great a thorn in their sides as they are now in the Spaniards'. But, if it be true I now hear, that a recruit of three good ships, with 800 men, are newly arrived to them, they will not easily be removed, and they are so well posted that the admiral of the Barliaviento fleet was by land within two or three miles with 1,500 men, but would not attempt them, but he is reported to be a modest man, which perhaps was the reason. Col. Webb, who was Governor of Providence, I hear, is eloped from his government, and gone into

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some of your Excellency's Provinces. 'Tis what I expected by his management, and therefore I writ to him and advised him, but I hear he railed at me for it, and I doubt the Governor of Bermudas will follow his steps, for he has seized a sloop of this island who was going to Madera with money in her, who, by accident, gave a knock on some of all Day's rocks and went into the harbour only to see if they had received any damage, and will not let her go till they pay him the 10th and 15th, as if she were a wreck. He may as well demand so much of every man that lands on his island for treading on his ground. Those little Governments act ma(n)y strange things. 'Twould be more happy for the people if they were under the direction of those that are nearest to them, that might regulate their extravagances, which oftentimes are very great and mighty prejudicial to His Majesty's subjects. Your Northern party have of late years wholly taken of the prejudices and scandal of privateers and pirates this island lay under, for we have had none of it a long time, and indeed 'tis a great pity they should be connived at anywhere, they being a vermin in a commonweal and ought to be dangl'd up like polecats and weasels in a warren, I am therefore please(d) to hear your Excellency is so zealous in the detecting of them. We met with one who had lately strayed ashore here, whom I caused to be tried and hanged, and so I will all I meet with where there is just proof against them, and if all would do so, that so there might be no nesting anywhere for them, they must fall off course. *Copy.* [*America and West Indies.* Jamaica, 540. *No.* 52; *and Board of Trade.* New England, 9. *No.* 65 xiv.]

June 7. **506.** Minutes of Council of New York. Instructions for a conference with the Indians approved of. Edward Buckmaster, one of Shelly's men, committed. Warrants to the Sheriffs ordered for the arrest of persons suspected of piracy or illegal trade. [*Board of Trade.* New York, 72. *pp.* 249, 250.]

June 7. **507.** Journal of General Assembly of Virginia. The Burgesses announced that they had agreed to the Bill for taxing servants etc. with amendments. The Bill for appointing a Treasurer was passed with amendment proposed by the Burgesses. The Committee for revising the Laws ordered to be instructed to consider the best method of issuing commissions for the militia and of paying for the same. Bills for building the Capitol, ascertaining collectors' fees, and raising a public levy passed. The orders by the Burgesses for several payments agreed to. The Burgesses attended after evening prayers and presented to H.E. an address to His Majesty. They agreed to the amended Bill for building the Capitol.

June 8. The House of Burgesses attended in the Great Hall and H.E. produced a new Seal of the Colony and affixed it to a proclamation appointing a solemn day of general thanksgiving. He gave his assent to the Bills agreed upon this session and then prorogued the Assembly till Nov. 9. [*Board of Trade.* Virginia, 52. *pp.* 152-159.]

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June 7. **508.** Journal of House of Burgesses of Virginia. Bills returned from the Council agreed to with amendments. Bill for ascertaining the value of money, not agreed to by the Council, referred to the Committee for the revisal of Laws. Mr. Samuel Gray, having acknowledged his offence to the House, was pardoned for his libel. The form of Bonds prepared by the Committee of Claims was reported to the House. An Address to His Majesty was agreed to. (*And see preceding abstract under date.*) The enrolled Bills were ordered to be examined and sent with the engrossed
June 8. Bills to the Council for perusal. The forms of Bonds were agreed to and sent up to the Council. The Proclamation by the Governor and Council for a Day of Thanksgiving was approved. [*Board of Trade.* Virginia, 52. *pp.* 468-474.]

June 7. **509.** Minutes of Council of Virginia. Col. Hill ordered to choose 5,000 acres of unclaimed land to be set apart for public uses as hereafter directed. The powder at James City ordered to be distributed amongst the counties. Commissions for the militia officers ordered to be prepared in the Secretary's Office. In case of invasion on the frontiers the next Commission officer of the militia ordered to raise men to oppose it until he receive further directions from the Governor or Commander-in-Chief of the militia in the county, to whom he must at once dispatch several expresses. The Commanders-in-Chief of the militia ordered to return lists of the Commission officers in their counties, and to recommend others to supply vacancies. All officers, civil and military, ordered to take the oaths and subscribe the Test and Association. Mr. Attorney General to prepare a commission for that purpose. Proclamation ordered against striking whales within the Capes of Virginia. The judge and officers of the Admiralty Court presented a petition for salaries.

June 8. Collectors and naval officers appointed. Proclamation for a public thanksgiving approved and ordered to be laid before the Burgesses. Order issued for the apprehension of Joseph Bradish and his accomplices, pirates, if they come into this Government. [*Board of Trade.* Virginia, 53. *pp.* 274-281.]

June 7.
Custom House, London.
510. Mr. Sansom to Mr. Popple. In reply to yours of the 6th inst., James Thynn and William Meade are the names of the two chief officers of the Customs in the Leeward Islands, established at Nevis under the character of Commissioners and Collectors of the duty of 4½ per cent. *Signed,* Jno. Sansom. *Endorsed,* Recd. June 8. Read June 14, 1699. [*Board of Trade.* Leeward Islands, 6. *No.* 28.]

June 8.
New London, Connecticut.
511. Gov. Winthrop to Council of Trade and Plantations. I have issued a proclamation against giving aid to the Scotch expedition. In the month of Sept. 1698, several pirates ran away the ship *Adventure* of London, Capt. Gullock, commander, and bound to Borneo in the East Indies (as they confess) from Pollonis in the East Indies, where they left the said commander and others of their company, and brought the ship upon this coast, when they sank her with most of her loading. Ten of the company are in custody here. There was taken with them in money and goods

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to the value of about £2,000 which is secured here. The rest of their confederates, with considerable sums of money and goods are seized at Boston in the Province of the Mattathusets (*Massachusetts*). Those that are here do so far confess the horrid fact of felony that they are guilty of as may convict them. Your Honours will put a great favour upon this colony in communicating to me His Majesty's pleasure concerning the said money and goods, which was squandered about into many hands and concealed, which made it difficult to come at. There is no correspondence here with any illegal traders. I have informed all officers of H.M. instructions relating to the Acts of Trade and your letter of Feb. 3. *Signed*, J. Winthrop. *Endorsed*, R. Aug. 31, 1699. *Enclosed*,

511. I. Proclamation forbidding assistance to be given to the Scotch expedition. Signed, John Winthrop. May 29. [*America and West Indies.* Connecticut, 531. *Nos.* 7, 8, 9, 9 I.; *and Board of Trade.* Proprieties, 4. *Nos.* 7, 7 I.; *and* (*without enclosure*) 26. *pp.* 93-96.]

June 9.
Burlington.

512. Governor Basse to William Popple. I received yours of August last. I am sorry I have received no directions about the two pirates by me secured in East Jersey but afterwards bailed by Lord Bellomont. Both belonged to Avery and one I find to be principally concerned in their horrid villainies. On May 29 Capt. Shelly in the *Nassau* that some months since went out from New York for the Island of St. Lawrence arrived at Cape May in this Government and that evening put on board of one Gravenrate of New York eight pirates that having committed several hostilities in the Indies and made their voyage returned in him. He also landed at Cape May 14 men passengers from the aforesaid island, eight of which with their effects escaped before I obtained any notice of their arrival, which was not until the 1st inst., and then, I having an account of their endeavours to escape by a letter from Col. Quary, I immediately manned out a sloop and in person went down to Cape May, took four of the persons suspected of piracy, who confess that [they] have been on the coast of India and have taken several prizes there. Two more of them were taken with their effects on the river and are now committed to the Jail of Burlington. In their chests are about 7,800 Rix dollars and Venetians, about thirty pound of melted silver, a parcel of Arabian and Christian gold, some necklaces of amber and coral, sundry pieces of India silks, which are all secured until some course be taken with the prisoners. What the other four may be possessed of I cannot yet inform you, they not being arrived at Burlington. I hear by them there are some hundreds of men on the Island of St. Laurance that having by robbery gained considerable sums are now desirous of retiring to spend their ill-gotten goods. Since the arrival of Shelly I am informed Capt. Kid on a large sloop with about 60 hands hath been seen and spoke with betwixt the two Capes of Delawar. I had a sight of the sloop when I was down but found he sailed too swift for me. I am too much discouraged in my zeal for the common good and H.M. service in that I have nothing beyond a Proprietary Commission to support me, and even them persons seeming to desert me because of my discountenancing the Scotch and pirates.

In our Assembly in East Jersey we passed the Jamaica Act against privateers and pirates. It met with no mean opposition from the Scotch gentlemen, who amongst us are grown to a very great height from the prospect of a gentleman of their own nation filling the seat of Government in these provinces by His Majesty's approbation, and the success that their countrymen meet withal in the settlement of the Island Gorda *alias* Golden Island, called by them Calidonia. The English interest and trade must fall if some speedy course be not taken for the stopping of their growth. The principal traders in East and West Jersies and Pennsylvania are Scotch, who some of them have publicly asserted that H.M. dare not interrupt them in their settlement of Golden Island, lest it should make a breach between the two nations, publicly holding correspondence with them, contrary to H.M. Proclamation, and encouraging the inhabitants of these Colonies to go thither to trade and settle on the proposals made them by the Council of State in Calidonia. In time this evil may be too universal to be easily remedied: the trade of England to these colonies wholly discouraged and that of the Scotch nation advanced. If the sweets of profit be once tasted by our inhabitants by giving the least encouragement to this trade, it will not be suppressed without extraordinary expense and diligence. No way will prove more effectual than a total exclusion of them from any share in the Government of these Plantations. *Signed*, J. Basse. I send you the enclosed letter that you may see what trade is carried on at New York. *Signed*, J. Basse. *Endorsed*, Recd. Aug. 3. Read Aug. 4, 1699. *Holograph.* 4 *pp.* *Enclosed*,

512. I. Abstract of preceding and succeeding letters. 2 *pp.*

512. II. Giles Shelley to Mr. Delencie, or, in his absence, Mr. John Barbarie in New York. Cape May, May 27, 1699. At St. Mary's in Madagascar I sold the goods for muslin, calicoes, a ton of elephants' teeth and 2 or 3 cwt. of opium. I took on board 75 passengers: 24 went ashore at Fort Dolphin, where I bought a few negroes and some pigs of tooth and egg (*sic*) [*? the metal tutenag*]. Most of the passengers design for Virginia and Horekills with Andrew Graverard. I have for their passages about 12,000 pieces of eight and about 3,000 Lyon dollars. I hear there is no man-of-war at New York, and design to come to Sandy Hook. Capt. Burgess arrived at St. Mary's the day I sailed, and sold his goods very well. *Signed*, Giles Shelley. *Copy.* 1 *p.* [*Board of Trade.* Proprieties, 3. *Nos.* 29, 29I.-II.; *and* 26. *pp.* 33-41.]

June 9. **513.** Minutes of Council of Massachusetts Bay. Nathaniel Byfield, Judge of the Court of Admiralty, Capt. Lawrence Hammond, Register, and Henry Francklyn, Marshal of the Court, took the oaths etc. appointed.

June 10. Petition of Thomas Hinckley referred. [*Board of Trade.* New England, 49. *pp.* 210-211.]

June 10. Burlington. **514.** Governor Jeremiah Basse to Council of Trade and Plantations. I received yours of Jan. 2 and immediately published enclosed proclamation. These orders arrived very opportunely to curb the endeavours of some gentlemen of the Scotch nation to promote not only the Scotch interest in general but that particular settlement which they now call Caledonia. I almost think it will be needless to acquaint your honour of the settlement of that party of men you caution us against on the island Gorda, *alias* Golden Island near the coast of Darien, with the Indian inhabitants of which province they are entered into a strong confederacy. By order of their Council they have called their settlement Caledonia. They have had a skirmish with the Spaniards in which they came off victorious. Some proposals for the settlement of that place are with much zeal embraced by the Scotch gentlemen inhabiting the Jerseys who report that the Caledonians have already raised a fortification of 150 guns and will give all manner of protection and encouragement to all that shall trade or correspond with them, to which many of our inhabitants, notwithstanding these orders, seem so emboldened by their expectations of the arrival of a gentleman of their nation to fill the seat of the Government in these provinces by his Majesty's special approbation. Nay, to so great a degree of madness have these encouragements advanced them that some of the eminentest of that nation amongst us in the hearing of myself and some of my Council asserted that it might endanger a rupture betwixt these two nations if his Majesty should interrupt their settlement. The trade of the Jersies and Pennsylvania seems to be much in the hands of that nation, several of them being our principal dealers and their numbers yearly increasing whilst the interest of our nation seems so much declining. Certain I am their prosperity in the Plantation cannot but extremely prejudice the general interest of our own nation, impair his Majesty's revenue, and in time give no mean fears of their subjection to their so much applauded Caledonia, which I cannot but say seems by nature and situation to pretend in time to be the emporium of trade and riches of America, a place if it meet with encouragement and be suffered to grow that may in time collect to it the riches of the Eastern and Western Indians, the one safely transported through the famous South Seas over the Isthmus of Darien and the other from the two adjoining Empires of Peru and Mexico. *Signed*, J. Basse. *Endorsed*, Recd. Aug. 3, 1699. 1 *p. much soiled. Enclosed,*

514. I. Proclamation by the Governor of the East and West Jersies, forbidding assistance to be given to the Scotch expedition. May 25. ¾ *p.* [*America and West Indies.* New Jersey, 575. *Nos.* 27, 27 I.]

June 10. **515.** J. Burchett to W. Popple. The *Deal Castle* being now ready to sail, if my Lords of the Council of Trade have any further heads of enquiry to send to the commanding officer at Newfoundland, please hasten them to me. *Signed*, J. Burchett. *Endorsed*, Recd. June 10. Read June 14, 1699. ¾ *p.* [*Board of Trade.* Newfoundland, 3. *No.* 147 ; *and* 25. *p.* 314.]

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June 10.
St. Swithin's Lane.

516. Gilbert Heathcote to William Popple. I enclose copies of the affidavit concerning the loss of the *Adventure*, and humbly request that one may be sent to each of H.M. Governments in the West Indies with orders to make diligent search after the ship and cargo. ½ *p.* *Signed,* Gilbert Heathcote. *Endorsed,* Recd. June 10. Read June 17, 1699. *Annexed,*

516. I. Affidavit of Capt. Gullock as to the seamen running away with his ship, the *Adventure.* May 13, 1699. 1¼ *pp.*

516. II. Affidavit of Drew Hacker, gent., and William Whitesides, boatswain, on the same subject. ¾ *p.*

516. III. Names and descriptions of the men who ran away with the *Adventure.* Sept. 17, 1698. 1 *p.*

516. IV. Description of the *Adventure,* a Hag boat, Ipswich built. ¾ *p.*

516. V. Cargo of the *Adventure.* Cloth, flannel, opium, iron, lead, etc. and 33,500 Spanish Dollars. ¼ *p.* [*Board of Trade.* Plantations General, 5. *Nos.* 17, 17 I.-V.; *and* 35. *pp.* 47-53.]

June 10.
Carolina.

517. Joseph Blake and Joseph Morton to Mr. Secretary Vernon. By yours and the copy of a letter from the Lords Commissioners of Trade to yourself we observe Capt. Harris has complained of being unjustly treated here as a foreigner, and your direction that he ought to be relieved for the damage he has sustained. We give you a short but impartial account of the whole matter. On the first seizure of his vessel for his being a Frenchman and master thereof, he acknowledged that he was born in St. Martin's in the kingdom of France, but said he was naturalised. But when his vessel was upon trial he pleaded that he was made a denizen of England, but could produce no patent and owned he had only been told so by the owner. There was no proof of his being legally qualified to be a master of a ship and she was condemned. If a master's bare saying that he is a denizen or that his owner told him so is to be deemed proof enough, how are we to obey H.M. repeated commands to put the Acts of Trade in force? *Signed,* Joseph Blake, Jos. Morton. (By Capt. Tho. Mann.) 2 *pp.* *Much stained with salt water. This is probably the letter referred to as saved from the shipwreck* (*see Sept.* 27). [*America and West Indies.* South Carolina, 620. *No.* 1.]

June 12.
Charles Town, South Carolina.

518. Affidavit of Attorney General and Naval Officer of Carolina. Having visited Bermuda on business, and wishing to leave, Feb. 20, 1699, the Governor refused to sign his ticket till he had paid £50 to Thomas Sheppard for the use of the Governor. *Signed,* Nicholas Trott. ½ *p.* *Endorsed,* Recd. Read Nov. 28, 1699. [*Board of Trade.* Bermuda, 3. *No.* 42; *and* (*memorandum only*), 29. *p.* 242.]

June 12.

519. Minutes of Council of Nevis. Letter from the King appointing John Corbet a member of the Council of Antigua. [*Board of Trade.* Leeward Islands, 64. *pp.* 499, 500.]

June 12.

520. Minutes of General Assembly of Massachusetts Bay. H.E. visited the fortifications on Castle Island.

June 13.

A clause was added to the Bill for reviving Actions, etc.

The Bills for establishing Courts were returned up with alterations which were agreed to by the Board. The Bills ordered to be engrossed. Bill reviving Actions was passed and sent down.

June 14. Bill for General Sessions and Inferior Courts passed and sent down to be signed by the Speaker. Bills for keeping watches in towns, and regulating townships sent up and read a first time. James Taylor re-elected Treasurer of the Province.

June 15. Bill reviving Actions passed and sent down. Address to H.M. ordered to be engrossed and sent to Sir Hen. Ashurst, and a letter to be written to the Lord Chancellor praying him to introduce him to His Majesty with the address. Bill for punishing privateers debated in Committee.

June 16. Joint Committees appointed to consider the proposed Indian Trade, and the settlement of the College. Committee appointed to discourse Col. Romar about the fortifications. New draught of the Bill for regulating proceedings in Courts ordered. Bill about privateers agreed to with amendments, except a clause concerning the Judge of the Admiralty.

June 17. Bills about watches; townships; punishing vagabonds; and regulating the militia passed the second reading and were committed. Merchants of Boston granted leave to bring in a Bankruptcy Bill. Joint Committee appointed to consider demands for public service done in Sir E. Andros' time. Widow of soldier killed in public service granted allowance. [*Board of Trade.* New England, 48. *pp.* 295-301.]

June 13. **521.** Minutes of Council of Massachusetts Bay. Petition of Thomas Hinckley for the laying out of 200 acres of land granted him by the General Court of the late Colony of Plymouth, opposed by Nathaniel Thomas, referred to a Commission. £5 paid to Samuel Proctor, wounded on Castle Island. [*Board of Trade.* New England, 49. *pp.* 212-213.]

June 13. Whitehall. **522.** Copy of Gov. Collingwood's Commission. [*Board of Trade.* Leeward Islands, 45. *pp.* 488-490.]

June 14. **523.** Minutes of Council of New York. Otto van Toyle, one of Hoar the Pirate's men, committed. [*Board of Trade.* New York, 72. *p.* 250.]

June 14. **524.** Minutes of Council of Montserrat. A negro named Cuffee, belonging to Mr. Wm. Bedingfield, convicted of theft to the value of 12 pence, condemned to be hanged and his quarters set up on poles in the public places. [*Board of Trade.* Leeward Islands, 64. *p.* 543.]

June 14. **525.** Journal of Council of Trade and Plantations. Mr. Robert Clowes attended and declared that the right of his Patent for the place of Clerk of the Supreme Court in Jamaica is at present in Sir Robert Cotton, who promised to send a copy of it.

Letter from Mr. Sansom of June 6 read.

Letter from Mr. Heathcote, June 10, with affidavits concerning the loss of the ship *Adventure* read. A clause upon that subject ordered to be added to the Circular Letter that is to be writ to the Plantations. Papers enclosed in Mr. Bradshaw's Memorial confirming the complaint of the Dutch Ambassador against Mr. Trott read. Memorial relating to the Fish Trade read.

Mr. Burchett's letter, advising that the *Deale Castle* was about to sail for Newfoundland, read. [*Board of Trade.* Journal, 12. *pp.* 65, 66; *and* 96. *No.* 92.]

June 15. **526.** Solicitor-General to Council of Trade and Plantations. I enclose report on an Act made in Jamaica in favour of Capt. Tyrrell, and cannot report on the other Acts sent to me therewith till I have spoken with certain persons and as to the truth of several matters suggested thereby. *Signed*, Jo. Hawles. *Enclosed*,

526. I. Solicitor-General's report approving the Act of favour to Capt. Usher Tyrrell in consideration of his sufferings by the French. *Signed*, Jo. Hawles. *Endorsed*, Recd. June 22. Read Feb. 8, 1699. [*Board of Trade.* Jamaica, 8. *Nos.* 120, 120 I.; *and* 56. *pp.* 336, 337.]

June 15. **527.** Memorial of Mr. Weaver to the Council of Trade and Plantations on behalf of Col. Sam. Gardner.

The petitioner, a man of great estate and extraordinary probity, served as President of the Council and Lieut. Governor of Nevis many years with impartial justice. At length one John Perry, a most scandalous person, was by the interest of Governor Codrington, made Provost Marshal of the Leeward Islands, and managed Codrington's illegal trade, and one John Palmer was made Attorney General by Codrington, a person since discharged from serving His Majesty by reason of his speaking most scandalous words of His Majesty and of her late Majesty of sacred memory; these two infamous persons had then such an influence on the late Governor Codrington that they prevailed on him to take away several of the ancient customs of the island, and to grant a commission to one Charles Pym, a most scandalous person, constituting him Chief Justice of Nevis and giving him many of the powers and authorities belonging of right to the Lieutenant Governor, on which the Assembly and greater number of the inhabitants presented an Address to the General, wherein they give the said Pym his true character and likewise express their just value for their Lieutenant Governor. But the said Perry and Palmer, being enemies to Col. Gardner and the quiet of the island, prevented a favourable answer to the said address and procured a paper of instructions to be signed by Governor Codrington to Col. Gardner abridging him of most of the powers and authorities given him by the King's Commission, and was in effect a total suspension of him without pretending to assign any cause. The Assembly met three times and made a large address setting forth their grievances, but were dissolved without any redress and were not allowed to sit for 18 months. Gen. Codrington committed to prison several of their members without any cause assigned in the warrant, and threatened the rest. Pym, Perry and Palmer were continued in their employments. The pretence of removing Col. Gardner from his government for not taking the oath appointed by the Act of Parliament of the 7th and 8th of King William will, I don't question, appear to your lordships to be most malicious for that Gov. Codrington did himself and most notoriously break the Acts of Trade and traded with the Dutch at Curaçoa during the whole war, and likewise this Perry, besides his other infamies, was

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the particular instrument he made use of in that trade. Col. Gardner actually took and justly discharged the oath to the Acts of Trade at his entrance on his Government according to the Act of Parliament of the 12th of Charles II., and never was made acquainted with the latter oath, which he was obliged to take by the Act of the 7th and 8th of King William, nor did ever Gov. Codrington desire him to take it before the 25th of March mentioned in the Act. Col. Codrington himself and all the L.G.'s. under him never took the oath to the Acts of Trade till he had been in office two years, till Mr. Main, Surveyor-General of his Majesty's Customs of America, arrived and administered the oath. It was not imputed to them as a crime, because it had not been offered before. Col. Gardner voluntarily took the oath, as soon as he was acquainted with it, about four months after March 25. Moreover there was nobody in those parts commissioned to administer it, and the Act only obliges Governors, not Lieut. Governors to take it. *Signed*, T. Weaver. *Endorsed*, Recd. June 19. Read June 29, 1699. 3 *large pp.* [*Board of Trade.* Leeward Islands, 6. *No.* 29; *and* 45. *p.* 376.]

June 17.
June 19.

528. Minutes of Council of Massachusetts Bay. Committee of Accounts relating to soldiers appointed. The Governor gave an account of Emott's and Campbell's informations about Kidd, and of a letter from the Governor of Rhode Island, relating to the same affair. He wrote a letter, approved by the Board, to Capt. Kidd. [*Board of Trade.* New England, 49. *pp.* 213-215.]

June 18.
New London.

529. Governor Winthrop to Council of Trade and Plantations. On receipt of your letter of Jan. 2, I immediately issued a proclamation forbidding all assistance to the Scotch expedition. In my letter of the 8th inst. I gave you an account how that several pirates did some time in the month of Sept., 1698, run away the ship *Adventure* of London, from Polonis in the East Indies, and brought her into this Sound, where they sank her, and most of her loading, and that ten of the said pirates are seized here, and money and goods to the value of about two thousand pounds, which I have secured, and wait for His Majesty's pleasure therein. I have received the Lords Justices' instructions of Nov. 10, 1698, that the naval officers in this colony are to give security for the due discharge of their trust according to the directions in the Act of Parliament. At the same time I received yours of Nov. 23, for the apprehending of Capt. Kid and his accomplices; and though it has not fallen to my share to seize him and his treasure, yet he is happily fallen within the power of his Excellency the Lord Bellomont's government, where he is secured to give account of his voyage. The affairs of the colony are all well, and a general contentment under the influence of his Majesty's continued grace and favour. *Signed*, J. Winthrop. *Endorsed*, Recd. July 18, Read Sept. 20, 1699. [*America and West Indies.* Connecticut, 531. *Nos.* 10 *and* 11.]

June 18.
Maryland.

530. Governor Blakiston to Council of Trade and Plantations. In my last, May 20, I acquainted you with what steps I had made in detecting illegal traders. To omit being too tedious I here enclose a copy of my letter to Mr. Secretary Vernon. *Repeats substance of enclosed letter.* Several pieces of muslin and calicoes, 91 pounds of Dragon's blood with some small quantity of coral were found on board Gravenrod's sloop with no cocketts. She was seized, tried and condemned. The gold which the Buckanier brought in with him was reckoned as part of the cargo, as the law directs, and the King's Receiver has demanded of me the third part due to His Majesty, as also the officer which seized the sloop for the other third part. I have told them I am ready to pay the money to them as the law prescribes, but that they shall be obliged to give me a Bond they will return it again if it shall be otherwise directed by your Lordships or H.M. Secretary of State. I have found the Attorney General appointed by Col. Nicholson not only very zealous for His Majesty's person but vigorous in the prosecution of his interest and he has been extremely diligent in assisting me in this matter. I humbly beg leave to recommend him to your Lordships' favour that some salary may be assigned to him. I hope he will be found modest in his expectations and if a small salary of £40 or £50 as in the neighbouring governments might be allowed him, it might easily be raised without any further burthen to His Majesty, for it many times happens in the discharge of his office he recovers many sums of money and tobacco as fines and forfeitures to H.M. use. It is really a prejudice to him in point of gain being Attorney General. *Signed*, N. Blakiston. *Endorsed*, Recd. Read Sep. 1, 1699. *Enclosed*,

June 8. 530. I. Governor Blakiston to Mr. Secretary Vernon. In my last to your Honour, May 22, I gave an acccount of what I had done in obedience to your commands about the Scotch men-of-war. An express came to me on Sunday last from Col. Robert Quarry of Pennsylvania that there was a pirate off of Delaware Bay. He meeting with several disencouragements from that Government in the apprehending them, immediately upon the receipt of his letter I sent down a messenger to my friend Col. Nicholson at Virginia who has a man-of-war under his command, that they might, if possible, be detected. Col. Quarry likewise informed me that ten of the pirates was put on board a sloop from New York bound to Virginia or this province, one Gravenrod, Commander, and that night I sent to all the places I suspected to endeavour to secure them, and on Tuesday morning they came into Severen River. I had them all before me and examined them severally and found them triffle so various in their informations that I seized their sloop and put them in prison. There was but six men in all in the sloop, so I concluded they had disposed of the rest. Five of them was known here to belong to New York, but one I did greatly suspect to be a buckaneer, which proved so. His name is Theophilus Turner, and upon examination, with some scrutiny, he told me, if I would save his life, he would make an ingenious and genuine confession. I told him I would not assent to any terms till I see

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how far he might deserve it. He has made his whole information in three distinct depositions. His first is of his manner of coming out of England and how he came to be joined with those knot of villains, as also what buckaneers one Capt. Shelly brought over from Malagaskar and how they were distributed here and what vessels the rest of the ten men were gone away in from this sloop, four whereof went up Delaware Bay, the rest for England. Upon a general confession I gave him a promise as far as was fit for me that he should have His Majesty's grace, but that I would not assent to anything further than to make my application to your Honour to have your commands therein. By what blind intelligence I have at present, this Capt. Shelly that brought those buckaneers, which was to the number of eighty or ninety passengers from Malagaskar, was cleared from New York about ten months ago. The other deposition is, what gold this buckaneer, Theo. Turner, brought with him, which I did conceive was the best way to avoid any suggestions that I had received the least benefit by it. He would gladly have made a tender to me of the money for his pardon. I hope my integrity in this will be no bar to any advantage may be allowed me in this genuine declaration of mine. If I may have the honour of having any credit with you, which it is so very well known by dear bought experience upon the Exchange of London amongst the merchants this Government is not half the emoluments and advantage it was, for the crops of tobacco are very slender and scarce, and like to be so. I hope this may reach your hands before the ships arrive in which above five or six of the buckaneers are embarked for England. From the Bottom of this Bay it is not above three days since they sailed. I did not know of this ship's sailing till just now, so I sent a messenger to Col. Quarry to give notice to England what ships they are gone home in. Turner has likewise given an account what buckaneers was at Malagaskar and their numbers. *Signed*, N. Blakiston. *P.S.* June 13. The above is duplicate of what I acquainted your Honour five days ago; since I cannot find any more of the Pirates are come into this Government. I am credibly informed they had appointed when they came to England to rendezvous or meet at the Flushing Pinck, which I take to be a little below St. Katherine's not far from the Tower. *Signed*, N. Blakiston. *Enclosed*,

530. II. Copy of the first deposition of Theophilus Turner referred to in preceding.

530. III. *Duplicate*.

530. IV. Copy of deposition of Theophilus Turner concerning the movements of several pirates brought from Madagascar to the West Indies by Capt. Giles Shelley of the

Nassau, from New York. Amongst those referred to is Robert Bradingham, "Kidd's doctor, who commanded the *Adventure* galley."

530. v. *Duplicate.*

530. vi. Copy of deposition of Theophilus Turner. About Christmas last he sailed into the Port of St. Mary, a small island belonging to Madagascar, inhabited by negroes under the command of Edward Welch, who came from New England thither when he was a boy. In company with the *Moco*, in which ship deponent sailed, a ship of 400 tons mounted with 40 guns, was one Capt. Sivers [*also*, Chivers], with a ship which he had taken from the Turks, having 22 guns and being a bigger ship than the *Moco*, which now goes by the name of the *Resolution*. At Port St. Mary's was likewise a ship on ground said to be brought in there by Capt. Kidd and reputed to be taken from the Moors or Turks and at the time of the capture was commanded by a Dutchman. There was likewise the Britan [? bottom] of the *Adventure* galley, in which Capt. Kidd sailed from New York and the ribs of one other Turkish ship taken either by Capt. Hoare or Capt. Glover. There are no fortifications at St. Mary's but Edward Welch has 6 guns at his house, which have no command of the place where the shipping lie. At this place of St. Mary's fort live Capt. Culliford and Capt. Sivers, who pretends to be a Dutchman. There is one John Swann, a great consort of Culliford's, who lives with him; also there are near an hundred English, French and Dutch which use that island. There is a place or fort called Marisan, where about twenty or thirty white men live. Deponent has heard there are no fortifications there. There is another place called Fort Dolphin, where there are about 30 white men but no fortifications; has heard that formerly there was a regular port built by the French, and there one Samuel, a mulatto, who came from the West Indies, governs, but now the French being cut off there are no fortifications. There lies the ribs of Capt. Hoar's ship, who sailed out of New England. Marisan and Port Dolphin are places upon the main island of Madagascar, which is inhabited by a great many negroes. There is a pirate ship out of the coast of India, who came from Rhode Island or Long Island in America, which is a leaky ship under the command of a certain person who was cooper of her. She is a very bad sailer, has 70 or 80 men, about 14 or 16 guns and called the *Pelican*. 3 *pp.*

530. vii. *Duplicate.* [*Board of Trade.* Maryland, 3. *Nos.* 70, 70 i.-70 vii.; *and* (*without enclosures*), 9. *pp.* 391-397.]

June 19. **530a.** Thomas Cutler to Council of Trade and Plantations. I arrived with Mr. Good, Dec. 4, at Charlestown in Carolina. We applied ourselves to our friends there who had suffered great loss by the late fire, and were busied in rebuilding their houses. I made the acquaintance of one Capt. Moore, whose account of the silver mines I now offer to your Lordships. (*See No.* 202 I.) He is the person best able to make such discovery and successfully carry it on, and I humbly hope he may have encouragement. *Signed,* Tho. Cutler. *Endorsed,* Recd. Read June 19, 1699. *Enclosed,*

530A. I. James Moore to Tho. Cutler. *In substance the same as No.* 202.I. 2 *pp.* [*Board of Trade.* Proprieties, 3. *Nos.* 20, 20 I.; and (*without enclosure*) 25. *pp.* 443-445.]

June 19. **531.** Minutes of General Assembly of Massachusetts Bay.
June 20. Bill regulating proceedings in the Courts, with amendments, passed
June 21. and sent down. Bill directing the choice of a town Treasurer etc.,
read twice and committed. It was passed with amendments and
sent down together with the Bill for keeping watches. Militia Bill
June 22. rejected. A new one read, passed and sent down. The town of
Taunton ordered to be notified of the petition of the town of Freetown praying their assistance in maintaining their minister. An Excise Bill sent up read a first time. Private Bill docking an entail (Samuel Searle and Jonathan Tyng) read twice and committed.

June 23. Bills about townships and watches engrossed, passed and sent down. Excise Bill read the second time and committed. Bill about Privateers debated.

June 24. The Board adjourned till the 26th owing to H.E.'s indisposition. [*Board of Trade.* New England, 48. *pp.* 302-306.]

June 19. **532.** Journal of Council of Trade and Plantations. His Majesty's Commission for the promoting of the Trade of this Kingdom and for inspecting and improving his Plantations in America and elsewhere. June 9, 1699. A new Commission for the Board to the same effect as the former, except that the names of the Earl of Bridgewater and the Earl of Tankerville are omitted and the names of the Earl of Stamford and Lord Lexington are inserted in their stead. Read.

Letter from Mr. Randolph to the Earl of Bridgewater, March 22, about mines in Carolina, read.

Memorial from Mr. Thomas Cutler, who has lately returned from Carolina where he has been in order to the discovery of silver mines in pursuance of propositions laid before this Board, read. Determination of the matter suspended till the arrival of Mr. Good.

Ordered that the Secretary write to the Agents of Barbados to solicit the Attorney General for the dispatch of his opinion upon the Laws of that Island, and to Mr. Penn to move the Attorney-General likewise for his opinion upon the Laws of Pennsylvania.

June 20. Draught of a Circular Letter to the Governors of Plantations upon several heads read and ordered to be transcribed for signing.

Order of Council of May 18, relating to the settlement of Tobago, read. Notice of it ordered to be given to the Governor of Barbados.

Order of Council of May 31 upon the case of Mr. Sharp of Barbados read.

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June 20.

Ordered that the Secretary write to Mr. Sansom to know what the Commissioners of Customs desire to have done.

Order of Council of May 31 directing the preparation of a Commission for Col. Francis Collingwood read. Ordered that a copy thereof be desired at the Secretary's Office.

Order of Council of May 31 upon the petition of the Proprietors of West New Jersey read. Ordered that they or such of them as think fit attend the Board on Friday next. [*Board of Trade.* Journal, 12. *pp.* 67-82; *and* (*without the Commission*), 96. *Nos.* 93, 94.]

June 20.
Boston.

533. Col. Romer to Lord Bellomont. As ordered I present you with a small map of Castle Island and the fortifications thereon. And your Lordship having commanded a projection of a stronger work, I have drawn it on the map. But my opinion is that, although the whole Castle Island were made one entire fortification and in condition to defend itself against a year's siege, as according to the new design it might, yet this could only serve the inhabitants of Boston and neighbourhood to secure their riches, but could not hinder but that an enemy might blockade and commit all manner of outrages even to bombarding, except the coming in at the passages from the sea be secured, and by that means an enemy be forced to stand off to sea. For if an enemy be suffered to lie in Nantaskett Road, then he is master of you ashore, as also the vessels that would come to your assistance. It is therefore necessary that the passages and channels be secured against an enemy's entering in, by two well-placed and defensive batteries, each of fifty cannons, well regulated so that they may make good defence in front, flank and rear. If Nantaskett Harbour be left open to the disposition of an enemy, he is able without trouble to make himself master of all the adjacent islands and instate himself to insult over you at his pleasure. I do not say the fort on Castle Island is of no use; I am assured it may do much service, and therefore am of opinion that the batteries as well as the fort be made as is set forth in the map. *Signed*, Wolfgang Willm. Romer. 1¾ *pp.* [*Board of Trade.* New England, 9. *No.* 60 A.]

June 21.

534. Copy of Robert Clowes' Patent (Sept. 16, 24th of Charles II.) for the place of Clerk of the Supreme Court in Jamaica. *Brought to the Board by Sir Robert Cotton. Endorsed*, Recd. June 21, 1699. 9 *pp.* [*Board of Trade.* Jamaica, 8. *No.* 121.]

June 21.
Whitehall.

535. R. Yard to Council of Trade and Plantations. The Lords Justices command me to refer enclosed petition to you. *Signed*, R. Yard. *Endorsed*, Recd. Read June 22, 1699. *Enclosed*,

535. I. Petition of Sir Stephen Evance, Jeffrey Jeffreys, John Stafford and William Richardson, merchants of London trading to America. The agent of the Royal Guinny Company of Portugal, undertakers of the Spanish Assiento for importing negroes into the Spanish West Indies, is contracting with petitioners and others to carry them to Cartagena etc. We pray your Excellencies to give effectual orders to the Governors of Barbados and Jamaica or the Admiral or the C.-in-C. there to give all

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assistance to the ships engaged in this trade. *Copy*, 1 *p.* [*Board of Trade.* Jamaica, 8. *Nos.* 122, 122 I.; *and* 56. *pp.* 333-335.]

June 21. **536.** Minutes of Council of New York. Mr. Dellius' foul practice with the Indian witnesses that deposed about the Maquas' land being reported, he and the Indians were summoned to appear before the Board.

Charge of building the Custom-house barge sent for.

Memorial of Paroculus Parmyter read. Petition of Mary Drew referred to the Mayor of New York.

June 22. Payment ordered to two French ministers out of the King's share of a seizure. Petition of Sarah van Feurden granted. [*Board of Trade.* New York, 72. *pp.* 250–253.]

June 21. **537.** Minutes of Council of Nevis. Major Wm. Butler was sworn a member. Capt. Billingsley ordered to give an account of the state of the *Queenbrough*, with a view to his being supplied with men.

June 22. Court of Exchequer appointed to be held, and John Cole to act as King's Attorney. [*Board of Trade.* Leeward Islands, 64. *pp.* 500, 501.]

June 21. **538.** Minutes of Council of Massachusetts Bay. Gratuity granted to ten Indians who resisted the French at Cape Cod in 1697. Proclamation requiring the strict observance of the Lord's Day ordered.

June 22. Full Board ordered for nominating Justices, June 30. [*Board of Trade.* New England, 49. *pp.* 216, 217.]

June 21. **539.** Minutes of Council of Virginia. Letters from Col. Blakiston and Col. Quary announcing the movements of pirates read. Letter from Potowmeck about a murder by the Indians read. Petition of William Drummond for his salary as Messenger referred to the Auditor. The County Courts ordered to give an account of the Schoolmasters and of the meetings of other religions than the Church of England in their counties. Proclamation for the apprehension of Squire Tom approved. Proclamation for all persons to bring in their claims to take up land by rights approved. The Auditor ordered to sell rights to take up 50 acres of land for 5 shillings for His Majesty's use. Proclamation announcing the sittings of the Commissioners for the Pamunkey and Blackwater Lands ordered. William Fisher, the *May Flower*, plantation built, laden with logwood from the Bay of Campeachy to London, granted leave to purchase provisions, if proved a fair and legal trader. [*Board of Trade.* Virginia, 53. *pp.* 287-292.]

June 21. **540.** Journal of Council of Trade and Plantations. Mr. Twyford ordered to bring Col. Collingwood's Commission.

Sir Robert Cotton produced a draft of a writing in which Mr. Robert Clowes' patent is recited.

Ordered that the Secretary write to Sir Henry Ashhurst to press him to lay the report of the Attorney General upon the New England address about appeals before the Board.

June 22. Petition of Sir Stephen Evance read and Agents of Jamaica summoned.

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Mr. Twyford presented Col. Collingwood's Commission, which was read and ordered to be copied. Ordered that a letter announcing it to the President and Council of Nevis be prepared.

Letter from Mr. Solicitor General about the Laws of Jamaica read and copy sent to the Jamaica Agents.

Draft of a letter to Governor Grey read and ordered to be transcribed fair.

Papers relating to the complaints against Mr. Trott considered. Direction for a report given.

June 23. Proprietors of West New Jersey attended and acknowledged that their title to government in that Province was no other than what they have for the government of East New Jersey, being both included in the same grant, but urged that the trade of that Province does not interfere, as East New Jersey is supposed to do, with H.M. Province of New York, and therefore desired that their right of Government might not be questioned. Mr. Andrew Hamilton more particularly desired that whilst the question about East New Jersey remained undecided some care may, however, be taken that West New Jersey remain not wholly without Government. They declared that they would with all convenient speed get the rest of the Proprietors together and prepare proposals.

Letter to the President and Council of Nevis signed and ordered to be sent to Mr. Twyford together with Col. Collingwood's commission.

Letter from Mr. Sansom about Mr. Sharp read and directions given for a representation accordingly, and that the name of Mr. James Thynn be inserted in Col. Codrington's instructions as a Councillor for Antegoa and Mountserrat and the name of Mr. William Mead as a Councillor for the Islands of Nevis and St. Christopher's. [*Board of Trade.* Journal, 12. *pp.* 83-93; *and* 96. *Nos.* 95, 96, 97.]

June 22. Boston. **541.** Mr. Addington to Mr. Popple. I enclose duplicates of Acts sent May 6. The General Assembly is now sitting and have so been for almost a month. So soon as they rise I shall transmit a transcript of their Journal, the Acts passed and the Minutes of Council. *Signed*, Isa. Addington. *Endorsed*, Recd. Aug. 31, 1699. 1¾ *pp.* [*Board of Trade.* New England, 9. *No.* 60.]

June 22. **542.** Minutes of Council of Virginia. The *Province of Dublin*, seized in Rappahanock River for importing Irish goods contrary to the Act of Trade, ordered to be tried in the Court of Admiralty, Middlesex County Court House. Petition of Richard Gissedy and James Minge, that land granted to them in Pamunkey Neck had been chosen by the Trustees for the use of the College of William and Mary, referred to the Commissioners of Claims. Papers relating to a new trade with the Indians ordered to be laid before the Committee for revising the laws. Peter Hayman, Collector of the Lower District of James River, complaining that he could not get the books and papers belonging to his office from his predecessors, their securities were ordered to be prosecuted. Petition of Henry Duke and James Bray for the apprehension of an outlying negro belonging to Thomas Middleton, and of Anne Grey, convicted of murder and reprieved, praying to be allowed to go to her brother in Accomack, referred to

Attorney General. Ordered, that the Auditor obtain proper returns of all waifs, strays, deodands, and direct the Coroners to take the best care of them; allowance to be made for expenses incurred. All vessels sailing within six weeks ordered to clear with the Collectors and Naval Officers with whom they entered. Collectors and Naval Officers lately discharged ordered to bring their books, etc. to the next General Court. Miles Cary, Surveyor General, presented a list of Surveyors in the Counties:—

Henrico County,	Richard Ligon	Charles City	Theodorick Bland.
Surrey Isle of Wight	Thomas Swann.	Elizabeth City Warwick	William Lowry.
Yorke Gloucester	Miles Cary.	Nansemund Norfolk Princess Ann	Thomas Milner.
James City	John Soan.	New Kent	James Minge.
King & Queen	Richard Whitehead.	Middlesex	Edwin Thacker.
Accomack Northampton	Edmund Scarburgh.	Essex Richmond	William Moseley.
Stafford	Thomas Grigge.	Westmorland	Alexander Spence.
Northumberland	George Cooper.	Lancaster	George Hale, *dead*.

Mr. Auditor ordered to propose to the Committee for revising the Laws a method for procuring an exact Rent Roll. Warrants signed for salaries to the Governor at the rate of £2,000 a year, to the Council at the rate of £350 a year, to William Blathwait, Auditor and Surveyor General, at the rate of £100 a year, Benjamin Harrison, Clerk of the Council, at the rate of £50 a year, Bartholomew Fowler, Attorney General, at the rate of £40 a year, to the Solicitor of the Virginia affairs, at the rate of £100 a year, Edward Ross, gunner, £15 a year, John Childs, messenger, £25 a year, Mr. Commissary Blair, £100 a year. John Chiles, messenger, was discharged. Edward Ross to be paid in future £10 a year, and a gunner at Tindall's Point to be appointed at £5 a year.

The auditor presented an account of the revenue, showing £2,061 19*s.* 3*d.* sterling due to His Majesty on quit rents, and on the 2*s.* per hogshead and port duties £974 13*s.* 3¾*d.*, out of which are to be paid all the established charges of the Government for next half year, and no more money coming in till next crop. Mr. Attorney General reported as to the method of proceeding in relation to escheated lands. Ordered accordingly. The old seals of the Colony, given by King James II. and King Charles were formally defaced and broken. William Wilson was admitted to be a tenant upon some public land upon Point Comfort Island. The Committee for Revising the Laws ordered to consider the most convenient and best method of settling ferries and posts. Mr. Attorney General paid £5 out of the produce of the *Integrity* as fee for prosecuting. He reported concerning probates, letters of administration and marriage licences, that the first two must be signed by the Governor, and the last may be signed by deputy. Ordered accordingly. Lewis Burwell, executor of Nathaniel Baron, late Auditor General, represented the payment of all public debts,

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and was granted a discharge. John Gourdon, clerk, an accomplice of Samuel Gray, said to be persisting in the publication of the libel. Attorney General ordered to prosecute, if this is so. Mr. Auditor Byrd ordered to send to England for 12 reams of ruled paper and to repay the Government of Maryland the four reams lately borrowed of them. [*Board of Trade.* Virginia, 53. *pp.* 292-314.]

June 22. Custom House, London.

543. John Sansom to William Popple. I have received and communicated to the Commissioners of Customs your letter of the 20th inst., wherein the Lords Commissioners for Trade and Plantations desire to be informed what the Commissioners think proper to be done for the encouragement of Mr. Sharp, Commissioner and Collector of Customs, in the discharge of his duty for the future. Mr. Sharp in his letter, after relating the difficulty and discouragements of the officers of Customs, adds "His Excellency Col. Grey, the Governor, thereupon publicly declared, that he would strictly maintain all the Acts of Trade and Navigation in force, and would not suffer any of his Majesty's Customhouse officers in the due execution of them to be trampled upon or abused for the future. And further that his Excellency was pleased likewise to send for the Provost Marshal and check him severely, ordering that the officers should immediately be set at liberty." The Commissioners therefore think that it would be for his Majesty's service that a letter were written to the Governor from the Council of Trade and Plantations, taking notice of his good service in supporting the officers of the Customs and encouraging them in the discharge of their duty, and withal to desire that he will continue to exert his authority in putting the Acts of Trade and Navigation in execution. And that letters be likewise wrote to the Governors of the other Plantations, more especially to those of the Colonies in Propriety, for encouraging the officers of the Customs and causing a due observance of the said laws within their respective Governments.

As to the other part of your letter relating to the officers in the Leeward Islands and their authority there, the Commissioners' residence, namely, Mr. James Thynne and Mr. William Mead, being at Nevis, which is a place of less consequence to the Trade and Navigation and Revenue of Customs than the island of Antego, the Commissioners did by their letter of the 26th Nov., 1697, order the said Thynne to repair to the said island of Antego and there personally to reside till further order, taking care that the instructions to himself and the other officers should be there duly observed in their respective capacities. And it was further ordered that he should frequently visit and inspect the island of Montserrat, as next situated thereto, and that the aforesaid Mr. Mead should do the like at St. Christopher's, and that both should frequently correspond with the Commissioners and advise of their proceedings. On May 8, 1699, they were instructed mutually to carry on the service of all the islands and jointly sign the accompts as before, nothing being thereby intended that one should be less answerable than another, but that by their frequent correspondence and communication they should impart their proceedings to each other and both

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vouch the books and accompts before they dispatched them to England. *Signed*, John Sansom. *Endorsed*, Recd. Read June 23, 1699. 3 *pp*. [*Board of Trade*. Barbados, 8. *No*. 7.]

June 22. Council Chamber, Whitehall.

544. The Lords Justices in Council, having considered the report of the Council of Trade upon the petition of Robert Chaplain, of London, merchant, appellant from a sentence passed at Barbados in favour of Captain Alexander Cunningham for £1,200 odd, although the said Cunningham is indebted to the appellant several thousand pounds for arrears of rent, praying, in regard execution hath been granted to the said Cunningham, he may be obliged to give in security to answer the said appeal, or that the said money may remain in the Court at Barbados till the matter be determined by his Majesty in Council, Order that the Council of Trade do write to the Governor and Council of Barbados that if they find such security as is desired by the petitioner may be legally required, that they accordingly take the same, to the end that the appellant may not be defeated of his right. *Signed*, John Nicholas. *Endorsed*, Recd. Read June 26, 1699. 1 *p*. [*Board of Trade*. Barbados, 8. *No*. 8; *and* 44A. *p*. 305.]

June 23. Whitehall.

545. William Popple to Mr. Twyford. I enclose Col. Codrington's Commission and a letter from the Council of Trade and Plantations to the President and Council of Nevis. *Signed*, W.P. *Enclosed*,

545. I. Council of Trade and Plantations to the Hon. William Burt and the rest of H.M. Council of Nevis. His Majesty before his departure for Holland appointed Col. Francis Collingwood to be Lieutenant General of the Leeward Islands. *Signed*, Stamford, Lexington, Ph. Meadows, John Locke, Abr. Hill. [*Board of Trade*. Leeward Islands, 45. *pp*. 369, 370.]

June 23. Covent Garden

546. Capt. Norris to the Secretary of the Council of Trade at their office at the Cock Pit in Whitehall. I enclose the obligations I took from the masters of unfree bottoms at Newfoundland. If their lordships please to have the original receipts about the delivery of the £1,000, I shall send them, the copies and account of which I formerly sent them from abroad. I request you will move them to consider me to some allowance for acting in their service and with H.M. Commission as Governor, as they promised at my going. *Signed*, Jno. Norris. *Endorsed*, Recd. Read June 27, 1699. *Annexed*,

546. I. List of bonds taken from the masters of unfree bottoms at Newfoundland (15 of £500 each between Aug. 13th and 29th, 1698). ½ *p*. [*Board of Trade*. Newfoundland, 3. *Nos*. 148, 148 I.; *and* 25. *pp*. 314-316.]

June 23. Jamaica.

547. Governor Sir William Beeston to Mr. Secretary Vernon. Mr. Meeres, who waits on your Honour with this, was concerned with some others of this island in a vessel they sent to the Maderas for wines, and in her sent a considerable sum of money to produce them. This vessel, happening to fall too near Bermudas, struck in the night on a rock, but it seems received little damage, but they went in to search their vessel. The Governor seized her, and will not let her go till they have paid him ⅓ of the whole value. I can do nothing, he being under no authority of mine, but have written to tell him I thought him in error, and to desire him to let the vessel proceed. The gentlemen concerned desire me to lay the case before you in hopes they may have redress from H.M. Council. Mr. Webb, the Governor of Providence, did something like this, about which I writ him; a short time after he deserted his government. I expect this Governor ere long will do the like, for there are many complaints from the people of the island of the hardships he puts upon them. Those small Governors over a few barefooted people, that get into those places to avoid their debts, take on them the titles of Excellency and Capt. General, which to support they squeeze and prejudice H.M. subjects and authority. Whether they have authority for those characters I know not, but sure I am it's a great diminution to those hon^{ble}. titles. *Signed*, Wm. Beeston. *Endorsed*, Recd. Read Oct. 12, 1699. 1 *p.* *Holograph.* *Enclosed*,

547. I. Isaac Adderley, Master of the *Dolphin*, to Col. Charles Sadler, John Sadler and Jacob Meares, owners. Bermuda, May 15. Account of his treatment by Governor Day. 2¾ *pp.* *Copy.*

547. II. Edward Randolph to the owners of the *Dolphin*, Bermuda, May 17. Set forth the state of affairs to his Majesty by some friend in England. This Governor pretends he has great friends at Court, but Mr. John Povey, known to Sir Wm. Beeston, upon his letter will assist you faithfully. Let a short and true narrative be printed and copies given to the Jamaica merchants. It will alarm them at Court and procure you satisfaction. 2 *pp.* *Copy.*

547. III. Isaac Adderly to Col. Charles Sadler. Bermudas, June 9. The Governor would not let me sail, May 10, without paying the 15 *per cent.* he demanded, so here I have remained since. He has seized my sails and stowed them in a cellar. *Copy.* 1¾ *pp.* [*Board of Trade.* Bermuda, 3 *Nos.* 43 43 I.-III.; *and* 29. *pp.* 214-226.]

June 24.
Jamaica

548. Governor Sir William Beeston to the Council of Trade and Plantations. In my last of April 14 I acquainted you that I had proposed to the Assembly to pass their whole body of laws, which are now expiring, indefinite, if they would prepare a suitable bill for H.M. revenue to go along with them, which they desired some time of a recess to consider, and having met again a party in the House have prevailed not to meddle with it, their reasons for which neither they themselves nor anyone else can give, but merely from an obstinate temper, soe that since they have rejected that proposal, I refuse to re-enact any of their former laws that may be useful to them. There are some few things they are about which may be useful to the country, and I hoped might have been finished before this, but they have been dilatory. A little time now will end it, and then I will send them home and the laws they have concluded to your Lordships for H.M. approbation. The storehouses for

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His Majesty at Kingston go very well on and will be finished in a few months, and I've enlarged and rebuilt Fort Charles, so that it's now very offensive, and with the line of guns near it makes the entrance into the harbour to be very difficult.

June 29. These ships staying longer than was expected give me the opportunity to acquaint you that the Assembly having finished those few necessary Bills that were before them the 27th inst., I consented to such of them as I thought might conduce to His Majesty's service and the Island's (7 public and 3 private Bills), and then prorogued them to Dec. 5. I transmit the Bills. Those sent home in the *Dunkirke*, 1695 and the *Hampshire*, 1696, are not yet returned, so that we know not in what state we stand in reference to them. I pray for their return and of those sent the beginning of the year. They have passed the additional duty for two years only, that then they may have an Assembly called again (where they like to be though they do little or nothing) but have clogged it, so that were not the Bath and Parties against Negroes very necessary for the country I would have rejected it, nor can I think it can defray the several charges they have laden it with. I have now received and paid away all the money for the subsistence of the soldiers and send the acct. thereof and that of the disposal of H.M. bounty that arose out of it to the Treasury, where I hope they may be allowed of, that so I may be cleared of that business, which was a long trouble and charge to me. I have formerly written that there was money in the Commissary's hands that would have subsisted them longer, but have never received any orders about that nor what to do with the soldiers now their money is out. I transmit an abstract of all the laws that have been returned from England since my being here, so that all the rest are still before you. The country is yet healthy, but now the worst months are coming on. Everything is very well and quiet as to the public and as to myself I pray you lay before H.M. the Bill for £1,500, the present made to me by the country to help towards my losses and charges. *Signed*, Wm. Beeston. *Endorsed*, Recd. Sept. 15, Read Sept. 26, 1699. By the *Catherine*, Capt. Lyell. 2 *pp.* *Seal.* *Enclosed*,

548. I. List of acts approved and returned since the arrival of Sir Wm. Beeston. *Signed*, Wm. Beeston. [*Board of Trade.* Jamaica, 8. *Nos.* 123, 123 (I.); *and* 56. *pp.* 362-366.]

June 25.
The Lord's Day, at H.E. House, Boston.

549. Minutes of Council of Massachusetts Bay. Notice having been given by the gaoler, Caleb Ray, that Joseph Bradish and Tee Witherly escaped last night, proclamation offering £30 reward for their apprehension ordered.

June 26. Payments ordered in accordance with the report of the Committee for soldiers' accounts. [*Board of Trade.* New England, 49. *pp.* 217, 218.]

June 26.
Newcastle.

550. Nicholas Webb to the Council of Trade and Plantations. I came here on my way to England on a vessel (the *Sweepstakes*) belonging to Mr. Jeffrey Jeffreys and myself. The night before we were to sail, riding at anchor before Newcastle, the antientest town in this Province (for I cannot well call it Government), by assistance of several pirates they weighed anchor and ran away with the vessel.

If I had lain on board that night they had resolved to murder me with one of my own bayonets, which was called the Silent Instrument. The enclosed affidavits of seamen who would not join the pirates show that nothing so much induced the crew to it as that here was no fort, garrison nor militia, nor any other force to suppress them. This is truly the only cause which draws so many pirates amongst them. At this time many are here with vast riches, newly come from Madagascar. *Description of the pirates who ran away with the* Sweepstakes, *intended for insertion in the* Gazette. *Signed*, Nich. Webb. *Endorsed*, Recd. Read Sep. 5, 1699. 1 *p.* *Enclosed*,

550. I. Deposition of William Bryant as to the seizing of the *Sweepstakes*. 2 *pp.*

550. II. Deposition of David Brown (or Bunn) to same effect. 2 *pp.*

550. III. Deposition of Christopher Scudamore to same effect. 2 *pp.*

550. IV. Deposition of John Wilson to same effect. 1½ *pp.* All four depositions sealed with the seal of William Penn, Proprietor and Governor, Newcastle. [*Board of Trade.* Proprieties, 4. *Nos.* 5, 5 I.-IV.; *and* (*with first enclosure only*) 26. *pp.* 87-92.]

June 26. Whitehall. **551.** Council of Trade and Plantations to Governor Grey. We have received your letters of March 2 and 3, and have represented your desire of two men-of-war to attend Barbados, but the Admiralty answer that only one fifth-rate can be spared. You acquaint us with the death of Mr. Gibbs, whereby you say the number of the Council is reduced to twelve, and desire that Mr. William Wheeler may upon the next vacancy be made a member. We find the number of Counsellors named in His Majesty's instructions to you to be nineteen, and we therefore desire you to let us know the names of the others whose places are vacant, and to send us a list of twelve persons whom you judge fittest to supply vacancies. We await information from you on several heads of your instructions. As to the article in your instructions about commuting the duty of 4½ *per cent.* for some other imposition that might be more advantageous or at least equivalent to His Majesty and more easy to the inhabitants, we judge it is necessary to inform you that by a late Act of Parliament passed in the 9th and 10th year of His Majesty's reign, *for settling* £700,000 *per annum upon His Majesty for the service of his household*, the said duty of 4½ *per cent.* is appropriated to that service, so that the commuting of it for anything else seems not now to be at all practicable.

We have recommended that the owners of the *Mary Rose* should make application in due form to the Ordinary Courts of Justice at Barbados, and when they do so we entreat you to take care that they have a speedy dispatch. We enclose the Order in Council of May 18, disallowing and disapproving the *Act to declare and ascertain the right and powers of the General Assembly.* Leave was granted you, upon our report, to receive the £2,000 voted in the Act. The remaining Acts of that Session, unexpired, being left without either approbation or disapprobation, that for settling £500 per annum on you for your habitation does among the rest

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remain in force, so that you will have the benefit of it, though we must observe that it had been more comformable to your instructions if instead thereof the Assembly had taken care for the building a convenient house for you and the successive Governors of that Island, and we shall be glad to hear amongst other things of your hearty endeavours to promote that design. Application having been lately made to His Majesty for establishing and settling the Island of Tobago, His Majesty has been pleased, upon our representation of that matter, to disallow thereof and to forbid all persons to proceed on that design, either from England or any other place, and further to direct us to give you notice to discourage any undertaking in that behalf within your Government and to hinder the carrying any persons or goods from thence to the said Island of Tobago.

We should be glad of any considerations you may be able to suggest either for or against the settling of the said Island. *Signed*, Stamford, Lexington, Ph. Meadows, John Locke, Abr. Hill. [*Board of Trade*. Barbados, 44A. *pp*. 300-304.]

June 26. Whitehall. **552.** Council of Trade and Plantations to the President and Council of Nevis. His Majesty upon taking into consideration the inconveniences arising from the execution of Patent Places by Deputies, either unqualified or too much inclined by the high rents they pay unto Patentees to make indirect advantages of their respective places, has thought fit to order, that all the Patent Officers within his Plantations be obliged by their patents or otherwise to actual residency upon the place, and to execute their respective offices in their own persons unless in case of sickness or other incapacity. And therefore in order to the better observation of His Majesty's pleasure in this particular, we think it necessary that you transmit unto us by the first opportunity a full and perfect account of all the Patent Offices within your Government, with the particular tenour and conditions of each respective grant, and how these conditions are complied with in the execution of the same. You are also to take notice that His Majesty has been pleased to direct concerning the ships of war which are or may be appointed to attend any of his Plantations, that especial care be taken that they be good sailers; that they be annually relieved by others; that the commanders thereof be strictly required to observe the laws of the Plantations relating to the departure or transportation of the inhabitants, and not to carry off any of the inhabitants from the said Plantations contrary to the laws provided in each Plantation respectively, and that they do not leave their stations in any of the Plantations without the previous knowledge of the respective Governors and a due regard to His Majesty's service in those parts. Of all these matters we think it necessary that you give us from time to time an exact account. The ship ordered for service in the Leeward Islands is to be of the fifth or sixth rate. Great complaints are frequently made of the mischief committed by Pyrats in remote parts and of the support and encouragements which they still find in His Majesty's Plantations in America, notwithstanding the repeated directions that have been given to the respective Governors thereof to take all possible care for the preventing of such ill practices. We cannot but thereupon minde you to use and continue your utmost diligence in discovering, suppressing and punishing all offences and offenders of that kind whatsoever in your Government, and to that intent we more particularly recommend to your care that strict enquiry be made after the ship and men described in the enclosed paper, and that such of them as can be found be punished with the utmost severity of law, and the ship and cargo secured for those to whom they do belong. So we bid you heartily farewell. Your very loving friends, Stamford, Lexington, Ph. Meadows, John Locke, Abr. Hill. [*Board of Trade.* Leeward Islands, 45. *pp.* 371-374.]

June 26. **553.** Similar letter, *mutatis mutandis*, to Governor Day of Bermuda. [*Board of Trade.* Bermuda, 29. *pp.* 135-138.]

554. Similar letter, *mutatis mutandis*, to Governor Grey of Barbados. [*Board of Trade.* Barbados, 44A. *pp.* 297-299.]

555. Similar letter, *mutatis mutandis*, to Governor the Earl of Bellomont of New York and New England. [*Board of Trade.* New York, 53. *pp.* 299-302; *and* New England, 37. *pp.* 141-145.]

556. Similar letter, *mutatis mutandis*, to Governor Blakiston of Maryland. [*Board of Trade.* Maryland, 9. *pp.* 380-382.]

557. Similar letter, *mutatis mutandis*, to Governor Nicholson of Virginia. [*Board of Trade.* Virginia, 37. *pp.* 330-332.]

558. Similar letter, *mutatis mutandis*, to Sir Wm. Beeston of Jamaica. [*Board of Trade.* Jamaica, 56. *pp.* 338-341; *and* Plantations General, 35. *pp.* 53-55.]

Note. Ship ordered to Barbadoes—5th rate.
Virginia—6th rate.
Maryland—6th rate.
New York—6th rate.
New England—6th rate.
Jamaica—4th and 6th rate.
Leeward Islands—5th or 6th rate.

June 26. **559.** Minutes of General Assembly of Massachusetts Bay. Privateer Bill debated. Bill establishing Superior Courts passed. H.E. signed six Acts. Bill for suppressing Vagabonds passed with amendments and sent down.

June 27, 28. Various Bills considered. Joint Committee appointed to confer about the Excise Bill.

June 29. Clause in the Bill for punishing Privateers and Pirates, providing that they be tried before the Judge of the Admiralty and three or more substantial persons to be commissionated by the Governour with the advice of the Council, negatived. Bill for preventing the spreading of infectious diseases read three times, engrossed, and sent down. Bill for punishing rogues and vagabonds signed.

June 30. Amendments of the Representatives to the Bill regulating the proceedings in Courts partly agreed to and partly rejected. Bill ordered about trials when many of the Justices are parties or related to either. Report of the Committee about the College ordered to lie upon the table. Bill about Indian trade ordered.

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July 1. Various Bills considered in Committee, H.E. being ill. [*Board of Trade.* New England, 48. *pp.* 306-311.]

June 26.
Whitehall.
560. Journal of Council of Trade and Plantations. Order of Council, June 22, upon the petition of Robert Chaplin read; letter accordingly ordered to the Governor of Barbadoes. Circular letters upon several heads to the Governors of Virginia, Maryland, New York, Massachusetts, New Hampshire, Jamaica, Leeward Islands, Barbadoes and Bermuda, signed and sent. A more particular letter to Mr. Grey, Governor of Barbadoes, signed and sent.

Col. Codrington's observations upon his Instructions considered.

June 27. Letter to the Governor and Council of Barbadoes signed and delivered to Mr. Bradshaw, solicitor for Mr. Chaplain.

Mr. Archibald Hutcheson, being occasionally here, and their Lordships enquiring what lands His Majesty has in the Leeward Islands not yet granted away, he said that all the King's lands had been granted by Sir William Stapleton fifteen years ago, so that His Majesty has now no lands there, but as any fall by escheats or forfeitures.

Letter from Capt. Norris of 23rd inst., enclosing several original bonds taken by him from the Masters of unfree bottoms at Newfoundland, when he was there the last year, read. Ordered that the bonds be sent to the Commissioners of the Customs. As for the article in his letter relating to his account of the £1,000 which he carried to Newfoundland, their Lordships thought it not their business to order anything thereupon, but leave him to keep the receipts he mentions as vouchers to his accounts, in the proper office where they are to be made. As to his request for some allowance for his service at Newfoundland, they took no resolution at present.

June 28. Secretary ordered to write to Mr. Cary to press the Sollicitor General for his report upon all the Public Acts of the Leeward Islands that remain in his hands.

Mr. Attorney and Mr. Sollicitor General's report upon the New England address about appeals (*No.* 234) read. Ordered that Mr. Brenton be desired to bring a copy of the Lords Justices' Order in Council May 27, 1697, therein mentioned.

Letter from Mr. Randolph, Carolina, March 16, read. Ordered that Mr. Thornburgh be desired to attend the Board.

Letter to Gov. Nicholson signed and sent. [*Board of Trade.* Journal, 12. *pp.* 93-98; *and* 96. *Nos.* 98-100.]

June 27.
Whitehall.
561. Council of Trade and Plantations to Governor Grey, giving instructions in the case of Mr. Chaplain as directed by the Order in Council (June 22). *Signed,* Stamford, Lexington, Ph. Meadows, John Locke, Abr. Hill. [*Board of Trade.* Barbados, 44A. *pp.* 306, 307.]

June 27. **562**. William Popple to John Sansom. I enclose the bonds taken by Capt. Norris, commodore, last year at Newfoundland, from masters of unfree bottoms, belonging to English owners and navigated according to the Act of Navigation. [*Board of Trade.* Newfoundland, 25. *p.* 316.]

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June 28. **563.** Minutes of Council of New York. Various salaries paid. Order that warrants on the revenue be paid according to the priority of their dates, except in the case of civil officers. The conferences with the Indians and the examination of Jean Rosie, lately come from Canada, laid before the Board.

The Attorney General gave his opinion that the *Nassau* was a wreck. Two of the Council accordingly ordered to take charge of her and make an inventory of all things found on board. [*Board of Trade.* New York, 72. *pp.* 253, 254.]

June 28. Whitehall. **564.** William Popple to Bevis Hill. I enclose packets from the Commissioners for Trade and Plantations to be sent forward. Some of them are duplicates, and to be sent by different ships. [*Board of Trade.* Plantations General, 35. *p.* 56.]

June 28. Whitehall. **565.** Council of Trade and Plantations to Governor Nicholson. We have received yours of Feb. 4 and 27. We have always been satisfied with the exact method of your advices. There is a clause in your Instructions about repealing an Act passed in 1680 about Attorneys, which having been given to some former Governors, we desire you to inform us how the matter stands. We expect to hear of your endeavours to promote the building of a house for the Governor, according to your Instructions. The revisal of the Laws is also highly necessary, which under Sir E. Andros was impeded by a disagreement between the Council and Assembly. *Signed,* Stamford, Lexington, Ph. Meadows, Jo. Locke, Abr. Hill. [*Board of Trade.* Virginia, 37. *pp.* 333, 334.]

June 28. Whitehall. **566.** William Popple to Richard Cary. The Council of Trade and Plantations being moved by Mr. Hutcheson for their report upon a Private Act of the Assembly of Antego which he brought hither some while ago command me to desire you to use your endeavours that Mr. Sollicitor General may hasten his report to them upon the several parcels of public Acts of the Leeward Islands lying in his hands. The Council does not think it proper to break the order of date, or to report on one single private Act apart from the aforesaid. *Signed,* W.P. [*Board of Trade.* Leeward Islands, 45. *p.* 375.]

June 29. Annapolis. **567.** Minutes of Council of Maryland in Assembly. The Hon. Thomas Brooks took the oaths appointed. The Governor's instructions were read. (*See Cal.* 1698. *No.* 869.) Col. Henry Jowles, Thomas Tench, Col. John Courts appointed to administer the oaths to the House of Delegates. The Speaker and House were summoned to attend the Governor, who addressed them with the approval of the Council. He regretted the notion which had been started among some that the King's and the country's interest were at any time different. He rejoiced to find that the Province had been so well inclined in endeavouring the promotion of the Church of England. The Delegates retired and chose Mr. Benjamin Nobbs for their chaplain, whom the Governor and Council approved.

June 30. Col. Charles Hutchins sworn a member. The oaths were administered to some Delegates. Col. Waughop, Mr. Miller and other Delegates brought the Delegates' answer to the Governor's speech. They had never imbibed the notion that His Majesty's and the country's interest differed: their loyalty was and should be uniform. The Governor replied, and then sent a message to the House; the principal matters recommended for the business of the Sessions were the revising the laws and composing them into one body, the building of the Church at Annapolis, provision for the security of the frontiers and the prevention of outrages by Indians. A joint committee of the two houses was appointed to consider the building of the Church. The petition of John Dent that, in compensation of his loss at the Cool Springs he and his heirs only might have liberty to keep ordinary at the said Springs without paying for a licence, was referred to the consideration of the House. The Delegates announced that they had already appointed a Committee for the revising and completing the Body of Laws. The House would take the murder by the Indians on the frontier into consideration when the expected testimony came to town. John Grey, an officer attending on the Board, was ordered to be brought before the House for a breach of privilege. Mr. Francis Jenkins was sworn a member. A return of James Round, of Somerset County, relating to the Indian land upon which John Parker had made a forceable entry was approved; advised, that in case John Parker refuse to quit possession when his corn is gathered, Mr. Rounds be ordered to dispossess him. Petition of Robert Yates, of Charles County, praying that the will of James Tyer may be recorded in the Commissary's Office recommended to the consideration of the House of Delegates. [*Board of Trade.* Maryland, 14. *pp.* 415-425.]

June 28. **568.** Journal of House of Delegates of Maryland. The General Assembly was prorogued till the 29th.

June 29. Warrants signed for writs of election to the sheriffs of St. Mary's, Charles, Baltimore, and Talbot Counties, in places of Philip Clarke, Henry Hawkins, John Forry and William Hemsley, all lately deceased; and to the sheriffs of Ann Arundel and Somerset Counties in places of John Hammond and Francis Jenkins, now of H.M. Council; and to the sheriff of Prince George's County to elect one Delegate instead of Major Wm. Barton, now High Sheriff of that County. It was resolved that the House would meet at 6 o'clock and rise at 10, and go to prayers and after prayers adjourn till 2. Daniel Cannon chosen as Serjeant-Attendant. A Committee was appointed to inspect the laws. A copy of the Governor's Instructions about the oaths was delivered to the House at the request of the Speaker. (*And see preceding abstract.*)

June 30. James Saunders, Thomas Ennalls, Thomas Hicks, Walter Cambell and Jacob Lokerman took the oaths appointed. Resolved that sixteen members with Mr. Speaker make a House.

Various messages exchanged. (*See preceding abstract.*)

John Gray brought to the bar of the House and humbly submitting himself was discharged.

The petition of Philip Lynes for the sum of 52,109 lbs. of tobacco for sundry expenses of several persons at his house at the arrival of H. E. Governor Copley, 1692, rejected, it appearing that he was allowed 14,000 and odd lbs. in 1694, the balance of his account. [*Board of Trade.* Maryland, 15. *pp.* 381-394.]

1699.
June 29.
Whitehall.

569. Journal of Council of Trade and Plantations. Letter sent to the Lords of the Treasury about the payment of the salaries and incidents of this office.

Representations upon the Dutch Ambassador's complaint against Mr. Trott, and upon the case of Mr. Sharp, signed and sent to the Council Board.

Draft of an article to be inserted in Col. Codrington's Instructions, about the spoils alleged to have been committed by the English in St. Christopher's, agreed upon.

Memorial from Mr. Weaver in behalf of Mr. Thomas Duncombe (*June* 1) read, and their Lordships, not finding that Col. Codrington deceased, had transmitted any regular charge against him with proofs thereof, upon suspending him from the Council of Antigoa, ordered that his name be again put into the Instructions.

Memorial from Mr. Weaver in behalf of Col. Samuel Gardner (*May* 9 *and June* 15) read. Ordered that enquiry be made of Mr. Sansom when and by whom Commissioners were sent for administering the oath appointed by the Act of the 7th and 8th of King William, not only in the Leeward Islands but in all other H.M. Plantations, and what returns the Commissioners have had of the execution thereof.

Mr. Weaver ordered to bring a list of names of persons he thinks fit to supply vacancies in the Council of the Leeward Islands. [*Board of Trade.* Journal, 12. *pp.* 99-102; *and* 96. *No.* 101.]

June 29.

570. Hudson's Bay Company to the Lords Justices. State of the Company's case with a narrative of their great sufferings from the French ever since 1682. *Recapitulates events described in memorials of March* 4 *and April* 17. This so notorious an invasion and depredation (1686) was loudly complained of and so much resented by his then Majesty that he was graciously pleased to declare that his honour was concerned with the Company's interest and he would have reparation for both. Whereupon the French king empowered M. Barrillon and M. Bonrepos to be his commissioners to treat with Lords Sunderland, Middleton and Godolphin, H.M. Commissioners, in order to the adjusting all differences that had arisen or might arise between both nations in America.

The English Commissioners reported to H.M. that it plainly appeared his subjects had a right to the whole Bay and streights of Hudson and to the sole trade thereof, whereupon his then Majesty declared to the French Commissioners that he insisted upon his own right and the right of his subjects and upon the demand of full satisfaction for damages received and the restitution of the three Forts surprised by the French in the Bottom of the Bay (1687), which had accordingly followed if the Revolution in England had not prevented it. His present Majesty made the injuries done to the Company one of the articles of war. The losses and damages sustained by the Company amount to over £220,000. In 1692, a time of public war, the Company set forth a very chargeable expedition and at their own sole expense of near £20,000 they recovered their forts and factories in the Bottom of the Bay. But their Factory of York Fort in Port Nelson was taken by the French in 1694 under M. de Ibreville, upon a capitulation of which they did not perform one article and took in beavor skins, etc., above £40,000. In 1696, with the aid of two men-of-war, the Company recovered it, but Capt. Allin, commander of the man-of-war, capitulated contrary to his orders and instructions, when the French must have surrendered within two days at discretion, being almost famished, as he also brought the beavor skins found in the fort home on board the King's frigate, which by his instructions he ought to have delivered to the Company upon the place. In 1697 the French sent a much greater force than ever they did, and in Sept. when the Treaty of Ryswick was concluding and York Fort supposed to be still in English possession, it was then taken again by the French, together with a ship of the Company's and a great quantity of goods, provisions and ammunition. The French got those concessions into the Treaty of Peace by undue suggestions and misinformations. They have no title to those goods for which they would pretend to be satisfied, and the King having twice granted them to the Company, and for their being restored to the Bottom of the Bay as having been in possession of it before the war, it is an egregious misinformation, for it must be a rightful possession only which can entitle anyone to restoration. If the Company be divested of any of their places and property, they will not only be left in worse condition than they were in before the war (for the righting of whom it was partly undertaken), but it will be contrary to the justice which was ready to be done them in the late reign. [*America and West Indies.* Hudson's Bay, 539. *No.* 8. *pp.* 50-56.]

June 29.
Barbados.

571. Governor Grey to the Council of Trade and Plantations. His Majesty's ship *Speedwell* having been upon her cruise by my order, in her return put into St. Lucea. They found it to be inhabited by some French who had negroes daily employed, as it seemed, in order to their settlement; this being an island within my Government, your Lordships will please to lay it before His Majesty that I may receive his commands accordingly. Upon the ship's plying up between that and Martinico, they met with two French men-of-war, one of about forty, the other about fifty guns, having on board several soldiers. They spoke with one of them who said they came from Brest and were bound to Martinico. I have received a letter from Mr. Secretary Vernon, wherein he mentions that the Lords of the Admiralty are of opinion that one-fifth rate ship will be sufficient for the service of this island. I had before represented how absolutely necessary it was to have two frigates, the one of force to preserve the merchant ships here, and to suppress the insolence of pirates, the other to ply round the island to prevent the running of prohibited goods, without which His Majesty's service will very much suffer. This I humbly offer to your Lordships' better judgements. I have received several certificates of ships from Bermudas wherein the Governor stiles himself, His Excellency, Capt. General and Lieut. Governor. His Majesty's commissioner here, Mr. Sharp, has been uneasy in this matter, wherefore I thought fit to acquaint your Lordships with it for your further consideration. *Signed*, R. Grey. *Endorsed*, Recd. Read Aug. 14, 1699. 2 *pp.* [*Board of Trade.* Barbados, 8. *No.* 12; *and* 44A. *pp.* 313, 314.]

1699.

June 29. Whitehall. **572**. Representation of the Council of Trade and Plantations upon the complaint of Mr. Sharp recommending the following Order in Council. *Signed*, Stamford, Lexington, Ph. Meadows, John Locke, Abr. Hill. [*Board of Trade.* Barbados, 44A. *pp.* 307-309.]

June 29. Whitehall. **573**. Order of the Lords Justices in Council. The Council of Trade is to prepare circular letters to be sent to the Governors of all his Majesty's Plantations, and more especially those in Propriety and Charter Governments, that they be very careful in causing the Acts of Trade and Navigation to be duly put in execution within their respective Governments and Proprieties, and that in order thereunto, they fail not to give constant protection and all due encouragement, not only to the officers of the Customs, but to those also of the Admiralties which his Majesty has thought fit to be there erected. And that in the letter to Mr. Grey, Captain General and Governor in Chief of the Island of Barbados, they take notice of his good service in countenancing and protecting Mr. Sharp. *Signed*, John Nicholas. *Endorsed*, Recd. Read. July 3, 1699. 1 *p.* [*Board of Trade.* Barbados, 8. *No.* 9; *and* 44A. *pp.* 309, 310.]

June 29. **574**. Order of Lords Justices in Council, referring Robert Quary's letter to the Admiralty to the Council of Trade and Plantations. *Signed*, John Nicholas. *Endorsed*, Recd. July 3, Read July 26, 1699. ¾ *p.* *Enclosed*,

574. I. Admiralty Office. June 12, 1699. Lords of the Admiralty to the Lords Justices enclosing Quary's letter and other papers. *Signed*, Haversham, R. Rich, G. Rooke, D. Mitchell. 1 *p.*

574. II.-VII. Duplicates of Robert Quary's letter and enclosures, (*Nos.* 138, 138 I.-V.) [*Board of Trade.* Proprieties, 3. *Nos.* 27, 27 I.-VII.; *and* (*without enclosures*) 26. *pp.* 9, 10.]

June 29. Whitehall. **575**. Council of Trade and Plantations to the King. We have considered the complaint of the Dutch Ambassador against Mr. Trott. Mr. Trott gives as his reason for disarming the shipwrecked crew in question that they were superior in strength to the inhabitants, yet expresses the number of their arms as only 10 fuzees and 17 pistolls. His offer to deliver back the fuzees upon payment of 12 pieces of eight for each sufficiently demonstrates that he acted not upon that consideration. He brings no proof of his statements about what the captain said to him. It is highly improbable that if the captain was half owner of so rich a cargo none of the depositions laid before us should mention the fact. Evidence shows that, in spite of his general and evasive allegations, Mr. Trott himself fitted out a sloop and refused to allow any of the crew to accompany it except one pilot, and that she brought back much money and merchandise from the wreck without any uncertainty of two wrecks, insinuated by him. He received the money and goods into his own custody and sent part to his brother at Bermudas and part to New England, as the deponents saw. His evasive answers on the charges of extortion and words spoken by him are contradicted by the journals submitted to us and the depositions taken at Amsterdam. Nicholas Trott is the same person concerning whom we offered to their Excellencies the Lords Justices May 17, 1697, that for the notorious misdemeanours of which he had been accused by several witnesses in the trials of some pirates of Every's crew, directions might be given in order to his prosecution. Which opinion having been offered by us before his arrival in England, we the rather renew it upon this occasion, because of some new proof that we have received since of his having permitted the said pirates to come into the Bahama Islands and received from them a considerable sum of money for that favour. In the present case, the matters of fact charged upon him by the Dutch Ambassador appear unto us to be true, and we are therefore humbly of opinion that he be left to a prosecution at law for reparation of the injury complained of, and that meantime care be taken that he may not depart out of this kingdom without giving sufficient security. *Signed*, Stamford, Lexington, Ph. Meadows, Jno. Locke, Abr. Hill. [*Board of Trade.* Proprieties, 25. *pp.* 460-468.]

June 30. **576.** Col. Codrington to Council of Trade and Plantations. I have been pressed in several letters from the islands to put you in mind of the negroes who have escaped to the French and not [been] handed over notwithstanding frequent demands. This is an affair of the last importance to the English Colonies, for a great number of negroes will certainly get off in sloops and boats, both from a natural desire of changing their masters upon the least severe usage, and upon the encouragement of these many holydays the French allow their slaves, if those who have already gone off shall not be restored, and some of them made examples. 'Tis very probable the French will propose to keep the negroes and pay for them; this method will not only be unsatisfactory to the Planters, but will be a prejudice to the English and a means of melioration to the French interests. *Endorsed*, Recd. June 30. Read July 7, 1699. 2 *pp.* [*Board of Trade.* Leeward Islands, 6. No. 30; *and* 45. *p.* 378.]

July 3. **577.** Minutes of General Assembly of Massachusetts Bay.
July 4. Capt. William Kidd examined, and some of his men. He was
ordered to bring his narrative in writing. Neglecting to do so, he
July 6. and several of his company were seized. Kidd's narrative was
presented to H.E. by Thomas Newton.
July 7. Bill appointing the Sheriffs to have the custody of the gaols
July 8. ordered. H.E. very ill. Board adjourned. [*Board of Trade.*
New England, 48. *pp.* 311-313.]

June 30. **578.** Minutes of Council of Massachusetts Bay. H.E. ill.
July 1. Nomination of Justices deferred. The Governor communicated
July 3. H.M. commands relating to the Five Nations of Indians, and
Mr. Sec. Vernon's account of the conference of French and English
Commissioners for the adjustment of all matters in America,
pursuant to the Treaty of Ryswick.
July 4—6. *See preceding abstract.*
July 7. Persons were deputed to take Kidd's goods into custody; Kidd
was committed to prison. The gaoler was examined about
Bradish's escape. [*Board of Trade.* New England, 49. *pp.* 218-
223.]

1699.
July 1.
James City, in Virginia.

579. Governor Nicholson to the Council of Trade and Plantations. The latter end of March I was in Maryland, where I saw Governor Blakiston. I thank God we keep a very good correspondence as we do with the Earl of Bellomont. I hope we may contrive to meet sometime this Fall, but suppose Lord Bellomont will have so much business in New England that he will not be returned to New York by that time. I design to visit Governor Blakiston at Annapolis from upper part of Potomack River the middle of this month, especially about the Indians who I hear have lately done some mischief there, having killed a man and taken his wife away. I transmit duplicates of Journals of Council, Assembly, accounts, etc., in Maryland and Virginia. Mr. Auditor Byrd's account (Council of Virginia, Feb. 23-25, 1698) show that the Public Revenue was in debt to him and others £4,793 14*s.* 7½*d.* The Council recommended the consideration of the state of the revenue to the next Assembly. But £1,492 6*s.* 3*d.* of that sum was for salary and house rent for Sir E. Andros, for which he had signed warrants, but not in Council, and I could not therefore allow them. And the Lords Justices having allowed Mr. Byrd £2,955 expended upon extraordinary occasions in Virginia out of the quit rents, and it appearing from his account that the revenue was not more than £200 in arrears, 'twas thought not necessary to recommend the same to the Assembly. His accounts show there only remain due to H.M. £974 13*s.* 3¾*d.* He has made a memorandum that the ships being now all cleared there can arise no money to the revenue the next half year, little or no tobacco being exported till some time after Christmas. He forgot to add that the annual salaries besides the contingent charges of the Government for the half year till Xmas will amount to above £1,382 10*s.* But the account to be returned from Potomock district and two ships out of this river and one out of York that design to be cleared by the middle of this month may make about £500. If this with the £900 balance of Mr. Auditor's Accompt of the 2*s.* per hogshead discharge the salaries and charges referred to, I think it will be for H.M. service. For if it please God that the heat and drought, which is at present very great, should continue but one fortnight longer, 'tis supposed that there will be but very indifferent small crops, when H.M. revenue would not pay the annual salaries and contingent charges of Government. So I hope there will not be any orders sent for any money to be paid out of His Majesty's revenue. By one of my instructions I am to report concerning the place of Receiver and Accountant being the same person with that of Auditor. I find that Wm. Byrd, Esq., had a commission from the late King James to be Auditor of Virginia. I enclose copies of this with two orders of Council, which are all I find in the Council book concerning him. But in the Council Office there is a duplicate of a grant to the Rt. Hon. Wm. Blathwayt making him Surveyor and Auditor General of all revenues arising in America, etc. but with an exception to an Auditor General of Virginia, which I think was given to one Mr. Aelweth. I enclose copies of this and of letters of King Charles II. and the Treasury concerning it. I think the Receiver should be a distinct officer from the Auditor, so that one may receive and pay all H.M.

Revenues and the other audit his accounts in general and others in particular, and that each of them should have a room in the Public Building, where their papers may be lodged, and they should be obliged to live where the seat of government is. At present Mr. Byrd keeps all the original accounts at his own house, where they are in danger, especially if please God he should die, when they might be embezzled or their contents get publicly known. If at his death he hath in his hands a considerable sum of H.M. Revenue there may be another great inconvenience happen by his having only given bond here. The Receiver should give bond in England. I also propose that the Chief Governor, Lieutenant Governor or President of the Council, whilst either of the two last are Commanders-in-Chief, may each live where the seat of Government is or hard by, and visit the several counties, especially the frontiers, at least once a year. For the saying of Severus the Emperor, who, when he lay ill of gout at York, and was asked how he could govern that great Empire, being lame, made answer that he did it by his head and not his heels, will not hold good here. For one of the principal reasons that made that rebel Bacon rise was because Sir Wm. Berkley was grown ill and infirm. Otherwise they durst not have ventured, because he would have been upon them at their first commotion, as he would have been upon the Indians at Susquahannah upon Potomock, the siege of which was very oddly and slowly managed. So that at last not above an hundred Indians, with their wives and children, broke through the English Camp, as they called it, and came and settled to the Westward and Southward of the Falls of James River, from whence they and others did several murders. To fight whom Sir Wm. Berkley not being able, others and Bacon raised strange and very ill reports of him, which inflamed the people and then Bacon and others rose and headed them upon pretence of going to fight the Indians. But they were at first beaten by them. After which Bacon was taken and Sir William pardoned him; and then he came hither and forced the Governor, Council and House of Burgesses to make him Capt.-General etc. I discoursed with Gov. Blakiston in the spring about His Majesty's sending from England a L.G. of Virginia and Maryland, for they are much alike in point of government, so that he may succeed, if either governor die or be called home. His salary may be paid half out of H.M. revenue of quit-rents and the other half out of the 3*d.* out of the 1*s.* per hhd. which H.M. has appropriated to buy arms. You will see by the representation of the Council of Maryland and myself that we move that no more of the said 3*d.* might be laid out for public arms. The L.G. should be appointed and sent by H.M. because some of the first of the Council are old and very infirm and live at great distances from the seat of Government, so 'tis a difficult thing to have a number of Councillors together, and when they are so there may happen great disputes about the person of the President and his power singly. And may be when the President and Council are all natives self-interest may sway them to act in a manner prejudicial to H.M. interest. When any of their acts be judged in England to be of absolute necessity to be repealed, it may be prejudicial to H.M. service, as also may be a Chief

Governor that comes hither that knows nothing of the country and must rely upon the Council for his first governing, as also may be the President and Council having in their possession all H.M. Instructions. A good Governor in these parts must have some practice as well as knowledge of cunning books for policy in Government. He must be esteemed by the people to be a lover of them and their country, and not that he comes to make or retrieve a fortune. The Lieut. Governor should be obliged to live half a year here and the other in Maryland and to visit the several parts, and the Governors should be obliged to instruct him how to manage H.M. affairs. The one reason against H.M. sending a L.G. is that it may disoblige the Council and the people, because none of them may ever be Governors in Chief. But this need not be made public, but the Lieutenant Governors may be supposed to be sent upon some other present exigency. If such a one fails in any of his duties let him have St. Paul's curse of Anathema Maranatha.

H.M. Revenue of 2*s.* per hhd. and of the quit-rents etc. is commonly received by the Auditor by bills of exchange, and he pays the annual salaries etc. by his own bills. His salary is 7½ *per cent.* He has been ordered to procure an exact rent-roll with a view to improving H.M. revenue of quit-rents. For several years past there has been a very great cheat practised by people taking up land for the importation of negroes. But last April General Court I made an order against it for the future. Another cheat was by the Clerks selling rights, as they call them; *i.e.*, 50 acres for every person imported according to the Charter of Charles II, the importer being obliged to swear to the name and number of the persons imported at the General or County Courts; but the Clerks for half a crown a right would give them certificates for what number they wanted. See proceedings of Council, June 21; and June 22 for the Auditor's orders about waifs and strays. I intend to advise with the Council about the better collecting of the 2*s.* per hhd. Mr. Auditor's report about a Court of Exchequer is in the Journal of Council, June 2. I think there is no absolute necessity of having one, but there is of having a Court of Admiralty. As Governor of Maryland I found it was almost impossible to have the illegal traders condemned in any of the Courts of Common Law, but in the Court of Admiralty His Majesty had justice. Sir Edmund Andross appointed Edward Hill, Judge, Miles Cary, Register, and Michael Sherman, Marshal of the Admiralty Court here. Copies of their commissions and of their petition for salaries enclosed. I propose the Judge may have £50, the Register and Advocate £25, and the Marshal £20 *per annum* out of H.M. Revenue of 2*s.* per hhd. when it will bear it, or out of the quit-rents. I enclose the copy of a paper concerning the qualification of a Scotchman to trade in H.M. Plantations and it is said to be done by H.M. Solicitor General in England: if so no doubt it is good law. I find it's industriously spread abroad all these parts, as are the names of the Scotch ships etc. I suppose these things are done to encourage the Scotch traders and to make the people their friends. I enclose copy of Col. Quary's letter: pirates encouraged in Pennsylvania will be prejudicial to H.M. interests in all these Governments.

1699.

I have given directions as ordered about Kidd, and the new instructions to the Naval Officers and Collectors, who before had different instructions and some none. I have received Mr. Vernon's letter of Jan. 2, and have issued a proclamation forbidding correspondence with Scotch strangers. I enclose this and other proclamations; one of them for apprehending Gravenrod and some pirates; another for giving 18 months' time for producing certificates for discharging Navigation bonds. This is the time allowed by the Act for preventing frauds etc., and those that were sued pretended surprise. I enclose an account of the Navigation bonds sued in H.M. General Court. I have put in Collectors and Naval Officers etc. whose names, commissions, and bonds, I send, in place of members of Council who are not allowed by H.M. instructions to hold such places. I intend all Navigation bonds and public papers to be sent in once in 18 months and lodged in the public building, in order that upon the death or removal of any of the officers H.M. interest may not suffer. I enclose a copy of a representation made to me by four of the Council who were formerly Collectors, etc. As for the management of their offices I think they have not taken much pains in going on board and visiting ships at their coming in and clearing. I agree with them that the Naval Officer and Collector of the 2*s.* per hhd. should be the same person and have accordingly appointed one person to execute both offices. I have obliged the Collectors either to live convenient for Trade or attend there upon all necessary occasions. I cannot speak as to the other reasons they offer for the collection of the 2*s.* per hhd. being in the hands of the Council, but when they speak of these places as a compensation for their care etc. I can vouch for the truth of what they say as to the distances they live from this place. The representation of 8 of the Council is to the same effect. But when they ask for greater salaries, the 2*s.* per hhd. is overcharged already, out of which they have £350, divided according as they attend the General Courts and Assemblies. Or it might be done out of H.M. quit-rent revenue. If it be decided that members of Council may be Collectors of the 1*d.* per pound or Naval Officers and Receivers of the Virginia duties, I propose that they may rather be Collectors of the 1*d.* per pound, for which they have warrants from H.M. Commissioners of Customs in England and salaries allowed them there, and then they will not depend upon the Governor. But no person should enjoy both those two different places of Collector of the 1*d.* per pound and of Naval Officer and Receiver of the Virginia duties. But the Naval Officer and Receiver of the Virginia duties should be one for the conveniency of trade and the proper reward of the officer. I enclose the Collectors' lists of ships, etc., and hope they will hereafter be more perfect according to the instructions I give. I sent the Lords Justices' instructions about the Secretary to Ralph Wormley. I enclose the answer of his deputy, Edmund Jennings. The Secretary's office here comprehends almost all offices, for he is *Custos Rotulorum* of the whole province, the County Clerks having commission from him, and those Courts and the General Court try cases of all natures. But I have endeavoured to establish the Admiralty Court for all marine affairs, where I intend all things belonging thereto shall be recorded with the Register of that Court, as I have already recorded the registers of the ships taken according to the late Act of Parliament. When the State House was burnt they saved all the records, but ecclesiastical, civil and military were all mingled. They have since been sorted and methodised. In the new public building I propose that at least three rooms be set apart for the Secretary's office—one for the Records of the Principal Court, one for recording Patents and land registers, and another for miscellanies. I also propose that one room be set apart for all ecclesiastical affairs, under the Secretary, but the Bishop of London's Commissary having the inspection of it, and another room for Military affairs. I hope to get a Muster-Master established. The records of all these offices to be numbered and kept in strong boxes, with locks and keys, to preserve them from some small insects which we have in this country, and from fire, by the boxes being flung out of the windows of each office. The Secretary has not been here nor is he likely to come: his Deputy comes may be once a fortnight to the office which is managed by the Clerk of the General Court, Chichley-Corbin-Thatcher, a man well qualified in all respects: but still the Secretary or his Deputy ought to be obliged to live at the seat of Government. It has been the custom here for the Secretaries, Auditors, Collectors and Naval Officers to be Councillors, who did not think themselves obliged to attend to their offices but thought they were given them to make profit on and compensate the charge and trouble of attending Councils, etc. It is an ill-custom for the office to attend the officer and he not the office, and if the Principal Officers or their Deputies do not live at the seat of Government. When please God that the public building is finished, for I recommended it to the Assembly to have it large enough, I hope all public offices will have rooms convenient. I was instructed to send the names of 12 persons fit to be of H.M. Council. I send 15, because John Armstead one of the first 12, was dead before I came, Richard Johnson died in the Assembly time, and Daniel Park has not been here. You will see (proceedings of Council, May 17) with what difficulty I can get 5 of the Council together. Sometimes the length of the way and badness of the weather hinders them: at other times sickness, the gout and other accidents. In the Journal of Council you will see what was done relating to the Instruction about Arms and Ammunition (but I have ordered the Colonel and Commander-in-Chief in each County to make a return thereof), and about forts and a small vessel to cruize upon the coast. The Journal of the House of Burgesses gives their answer thereto. I hope in God there will be no occasion for the Assembly's meeting before the Fall come twelvemonth. The public levy this year is pretty high, it being for the payment of public charges Sept. 24, 1697, to June 7, 1698. The Assembly sitting 6 weeks makes the County levies very high, being their two burgesses' salaries are paid by each County. The Committee for the revisal of the Laws is another public charge. But I think it is best to have a complete body of Laws compiled. I intend to be present the several times that the Committee sit. I send copies of the oaths and commissions of several officers. By reason of the

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General Court and Assembly sitting so long and in the Spring, I have not been able to view the Militia, and now is the busy time of harvest, which, I thank God, proves very well, and people will be employed about the Indian corn and tobacco till towards the Fall, at which time I intend (God willing) to see the Militia.

I enclose a list of the Nations of Indians who paid tribute last April and May, by which you may see how they decrease in number, and copies of proceedings of Council about the boundaries between Virginia and N. Carolina. I desire your Lordships will send orders about this affair. The general survey, recommended in my instructions, cannot be made till our bounds between N. Carolina and Maryland be adjusted, the settling of which is referred to the Committee for the Revising the Laws, etc. We are bounded to the Eastward by the Virginian sea, to the Westward at present without limits to our bounds. I enclose Journals of the General Assembly and House of Burgesses, and the laws made by them, April 27, 1699; also a draft of the City of Williamsburgh, of Queen's Port and Princess Port, according to the Act for Building the Capitol and City of Williamsburgh. There are as many reasons against keeping the seat of government here as there are for removing it to Middle Plantation, and I hope the Act will be passed. The Assembly have several times endeavoured to make a law for ascertaining the value which money shall pass at here. My instructions forbid me to pass any Act altering the price of current coin without H.M. particular directions, which I desire. But I humbly propose that all coins may be of an equal value throughout all H.M. Plantations whatsoever. For at present each Government hath several values for the different coins. And those Governments which are immediately under His Majesty suffer by the other Governments raising and lowering the value of their coins when they find it is for their particular interest. The Bill for encouraging a new trade with the Western Indians was dashed for want of subscriptions, but referred to the consideration of the Committee for revising the Laws. I enclose copies of Lord Bellomont's letter and Col. Jones' proposition in that affair. I propose that the London merchants be acquainted with that Bill and hope they will venture for the encouragement of that trade, for if it were well managed we might prevent the French getting it and further setling to the westward of the English on this Continent. If they should obtain these two things and settle the mouth of the River Mechasippi, which God forbid, it would be very prejudicial to H.M. interest. *List of other papers enclosed.* I have obeyed my instructions as to the use of the New Seal and propose that you order seals for the Council Office, Secretary's Office, and Notary Public. I intend to send a copy of this letter etc. to the Commissioners of Customs, as also an account about trade. *Signed*, Fr. Nicholson. *Endorsed*, Recd. Sep. 4. Read Oct. 10, 11, 13, 16, 17, 19, 20, 23, 24, 26. 10 *double pages. Enclosed*,

579. I. Abstract of above letter. 12 *pp. With marginal comments by the Board.*

579. II. Copy of a warrant from the Lords Justices, Nov. 15, 1698, for allowing Mr. Auditor Byrd £2,955 9*s.* 8½*d.*

expended in extraordinary occasions, out of the Quit-rents in Virginia. 2 *pp.* *Endorsed*, Recd. Sep. 4, 1699.

579. iii. Memorandum of Proceedings of Council of Virginia, Dec. 9, 10, 12, and Feb. 23, 24, 25. 1698. 1 *p.* *Same endorsement.*

579. iv. Memorandum of account of Quit-rents etc., 1697, 1698. 1 *p.* *Same endorsement.*

579. v. Memorandum of account of 2*s.* per hhd. etc. for year ending June 24, 1699. 1 *p.* *Same endorsement.*

579. vi. Memorandum of account of money paid out of the Quit-rents, 1693-1696. 1 *p.* *Same endorsement.*

579. vii. Copy of Warrant from King James, Dec. 21, 1687, for admitting Col. Bird auditor of accounts, with a minute of the Council thereupon and a copy of his bond etc. 2 *pp.* *Same endorsement.*

579. viii. Copy of grant of Charles II. of the office of Surveyor and Auditor General of all the Plantations to Mr. Blathwayt. 7 *pp.* *Same endorsement.*

579. ix. Copy of letter from Charles II. to Thomas, Lord Culpepper, Governor of Virginia, about the above grant. 3 *pp.*

579. x. Copy of letter from the Lords of the Treasury to Lord Culpepper about the above grant. 2 *pp.*

579. xi. Copy of an order of Council of Virginia, Ap. 15, 1699, against granting lands upon the importation of negroes. Copy of the Charter of Virginia. 3½ *pp.*

579. xii. Minutes of Council of Virginia, June 30, 1699, about Councillors taking the oath of a judge; and about their privileges, etc. 4 *pp.* *Endorsed*, Recd. Sept. 4, 1699.

579. xiii. Copy of a Commission to Sir Edmund Andros for appointing a Judge, Register and Marshal in the Court of Admiralty, Virginia, Ap. 29, 1697. Copy of the Officers' Commissions and the Attorney General's report upon them. 6 *pp.*

579. xiv. Copy of the petition of the officers of the Admiralty Court for salaries. *Signed*, Edward Hill, Judge; Miles Cary, Register; Jno. Tayler, Advocate; Michael Sherman, Marshal. ¾ *p.*

579. xv. Copy of a letter from Mr. John Moor of Philadelphia. Names of the Scotch ships gone to settle Golden Island near Carthagena:—

Capt. Robert Pennyworth, *St. Andrew*, Admiral, 56 guns.
Capt. Robert Pinkerton, *Unicorn*, Vice-Admiral, 56 guns.
Capt. Robert Drummond, *Caledonian*, Rear-Admiral, 56 guns.
Capt. Thomas Fullerton, *Dolphin*, 14 guns.
Robert Mallor, *Endeavour* pink, 150 tons of provisions.

Names of ships expected:—

Rising Sun, 80 guns.
Tinsell, 60 guns.
Lyon, 50 guns.
William (Scotch Man-of-War), 44 guns.
Mary, 40 guns.
Dunbarton, 36 guns.

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With these are expected 8 sail of transport ships loaded with provisions. 1 *p.*

579. xvi. Copy of the opinion of the Solicitor General to the effect that a Scotchman is qualified to trade into the Plantations. 1 *p.*

579. xvii. Copy of a letter from Robert Quarry, Philadelphia, about pirates. June 2, 1699. 3 *pp.*

579. xviii. Copy of Lords Justices' Instructions to Gov. Nicholson about trade, Naval Officers, etc. *Endorsed*, Recd. Sep. 4, 1699. 3 *pp.*

579. xix-xxv. Copies of several proclamations, about ships' certificates, harbouring runaway seamen, appointing a Public Thanksgiving; for the arrest of Gravenrod, for the producing of rights to lands, for the arrest of the Indian, Squire Tom, and forbidding correspondence with the Scotch strangers. 11 *pp.* *Same endorsement.*

579. xxvi. An account of Navigation Bonds put in suit, Oct. 1697. *ff.* 6 *pp.* *Same endorsement.*

579. xxvii. List of Navigation Bonds of which the prosecution is suspended by H.E. proclamation for 18 months. 2 *pp.* *Same endorsement.*

579. xxviii. Copy of H.M. Instructions to the Governor communicated to the Council, Dec. 10, 1698. 10 *pp.* *Same endorsement.*

579. xxix. Names and commissions and bonds of the Naval Officers, Collectors, and Receivers of the Virginia duties and the Public Notary. 17¼ *pp.* *Same endorsement.*

579. xxx. Copy of Representation of 4 of the Council about the places of Naval Officer and Collectors, June 8, 1699. *Signed*, Rich. Lee, Edw. Hill, Edmd. Jenings, Charles Scarburgh. 3 *pp.* *Same endorsement.*

579. xxxi. Copy of a representation of 8 of the Council, that since the places of Collector and Naval Officer are thought unsuitable as compensations for their time and trouble, an establishment may be settled upon them. *Signed*, Edmund Jennings, J. Lightfoot, Mathew Page, Charles Scarburgh, Richard Lee, William Byrd, Edward Hill, Benjamin Harrison. 1¼ *p.* *Same endorsement.*

579. xxxii. Memorandum of list of ships cleared March 25—June 24, 1699. ¼ *p.*

579. xxxiii. Copy of Ralph Wormly's Commission for the place of Secretary. 1 *p.* *Same endorsement.*

579. xxxiv. List of persons suitable for H.M. Council:—Lewis Burwell, Robert Carter, William Leigh, John Custis, William Willson, Laurence Smith, Miles Cary, Philip Ludwell, Wm. Randolph, Joseph Ring, Wm. Churchhill, Wm. Fitzhugh, Wm. Basset, James Ranson, John Lewis. ½ *p.* *Same endorsement.*

579. xxxv. Memorandum of Minutes of Council, Ap. 15—June 18, 1699. ½ *p.*

579. xxxvi. Copy of some of Gov. Nicholson's Instructions intended to be laid before the Committee for the revisal of laws. 5 *pp.* *Same endorsement.*

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579. xxxvii. Names, Commissions and Oaths of the Judges, Justices, Sheriffs and Clerks of each County, and other officers. Forms of Patents for lands. Attorney General's report upon escheated lands and order thereupon. Dedimus for swearing military and civil officers. List of Surveyors. 58 *pp.*

579. xxxvii. *cont.* Justices of the Peace, Sheriffs, Clerks and Surveyors of the Counties of Virginia, 1699 :—

Northumberland. Justices : Samuel Griffin, Hancock Lee, Charles Lee, George Cowper (Surveyor), Rodham Kennor (Sheriff), William Jones, Peter Hack, John Harris, William Howson, Cuthbert Span, Christopher Neale, John Crawley, Peter Contanceau, Thomas Winder. Thomas Hobson, Clerk of County Court.

Westmorland. Justices : William Pierce, William Horton, William Bridges, Francis Wright, Nicholas Spencer, Henry Ross, Alexander Spence (Sheriff and Surveyor), Willoughby Allerton, Samuel Thompson, Lewis Markham, James Taylor, Charles Ashton, Caleb Buttler, John Sturman, Gerrard Hutt, John Scott, George Weedon, John Elliott. James Westcomb, Clerk of the Court.

Essex. Justices : John Catlet, William Moseley (Surveyor), Thomas Edmondson, Edward Thomas, Francis Talliaferro, Bernard Gaines, Robert Brookes, John Battaile, John Talliaferro (Sheriff), James Boughan, Francis Goldman, Richard Covington, Daniel Dobbins, Robert Paine. Francis Meriwether, Clerk of the Court.

Lancaster. Justices :—David Fox, Robert Carter, Joseph Ball, Henry Fleet, William Lester, William Ball, Alexander Swan (Sheriff), William Fox, John Turbervill, John Prickard, Thomas Martin. Joseph Tayloe, Clerk.

Northampton. Justices :—John Robbins, John Custis, Philip Fisher, Obedience Johnson, Nathaniel Littleton (Sheriff), William Waters, Ralph Pigot, William Harmanson, John Powell, Jacob Johnson, Thomas Savage, George Harmanson. Daniel Nrrch (*sic*), Clerk.

Richmond. Justices : George Taylor, Samuel Peachey, William Underwood, Alexander Doniphin, Thomas Lloyd, John Deane, David Gwynn, John Baker, William Dolman, John Trapley (Sherif), Rawleigh Travesse, Francis Sloughter. William Colston, Clerk.

Accomack. Justices : Edmond Scarburgh (Surveyor), George Nicholas Flack, Richard Bayley, Tho. Welbourne (Sherif), Edmond Custis, George Parker, Robert Hutchinson, Edward Moore, Robert Pitt, John Watts. John Washburne, Clerk.

Stafford. Justices : George Mason (Sherif), Matthew Thompson, John Harvey, Robert Alexander, Philip Buckner, Rice Hooe, Richard Fosaker, William Williams, John Washington, Robert Colston, Joseph Sumner,

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John Waugh, jr., Edward Hart, Thomas Greg (Surveyor). Thomas Owsley, Clerk.

Nansemond. Justices: John Brasseur, George Norsworthy, Thomas Swann, Luke Haveild, Francis Milner (Sherif), Thomas Tilly, Thomas Milner (Surveyor), Charles Drury, John Spier, William Hunter, William Wright. Joseph Bridger, Clerk.

Norfolk. Justices: Lemuel Mason, John Hatton, Thomas Hodges, James Wilson, Richard Church (Sherif), Thomas Butt, Samuel Bough, Tho. Willoughby, John Hodges, Matthew Godfrey, Thomas Mason, William Laungley. Malachy Thruston, Clerk.

Warwick. Justices: Humphry Harwood, Miles Cary, Samuel Ransha, Robert Hubbard, William Cary (Sherif), Thomas Merry, William Rascow, Thomas Charles, Matthew Jones, Miles Wills, Thomas Haynes, John Tignall. Miles Cary, Clerk.

Princess Anne. Justices: Anthony Lawson, William Cornex, Benoni Burroughs, John Thorowgood (Sheriff), Francis Morse, Edward Moseley, Evan Jones, Henry Woodhouse, William Clowes, Robert Thorrowgood, Solomon White. Patrick Angus, Clerk.

James City. Justices: Philip Lightfoot, Henry Soan (Surveyor), Henry Duke (Sheriff), Philip Ludwell, junr., Michael Sherman, James Bray, David Bray, Thomas Cowles, Hugh Norvill, William Edwards, William Drummond. Chicheley Corbin Thacker, Clerk.

Elizabeth City. Justices: William Wilson, Anthony Armistead, Pasco Curle, Wm. Lowry (Surveyor), Thomas Harwood, Augustine Moore, Coleman Brough (Sherif), Thomas Curle, Matthew Watts, John Minson, Walter Bayley. Charles Jenings, Clerk.

York. Justices: Thomas Barbar, Joseph Ring, Robert Read, Thomas Ballard, Thomas Roberts, Charles Hansford, William Buckner, Henry Tyler, Baldrom Matthewes, John Page, James Whaley, John Goodwin, Daniel Taylor, Thomas Nutting. William Sedgwick, Clerk. Miles Cary (Surveyor).

Charles City. Justices: Richard Bland, Daniel Lewellain, Charles Goodrich, Robert Bolling (Sherif), Littleburry Epps, George Blighton, John Hardiman, William Hunt, Micajah Low, Richard Bradford, Joshua Wynn, John Terry. John Taylor, Clerk. Theodorick Bland, Surveyor.

King and Queen. Justices: William Leigh, Joshua Story, William Gough, Richard Gregory, Henry Fox, Thomas Paullin, John Walker, William Claybourne, Willis Wilson, James Howell, John Waller (Sherif), Richard Anderson. Robert Beverley, Clerk. Richard Whitehead, Surveyor.

Henrico. Justices: Richard Cock, William Randolph, Peter Feild, Francis Epps, William Farrer, John Worsham, Thomas Cock (Sherif), Giles Webb, Joseph

Royall, John Bolling. James Cock, Clerk. Richard Ligon, Surveyor.

Gloucester. Justices: James Ransone, Mordecai Cook (Sherif), Conquest Wyatt, John Gwynn, Sands Knowles, Richard Booker, Ambrose Dudley, Thomas Todd, Thomas Buckner, Anthony Gregory. Peter Beverley, Clerk. Miles Carey (Surveyor).

New Kent. Justices: Joseph Foster, Lancelot Bathurst, William Bassett (Sherif), Thomas Bray, Francis Burnell, John Lyddall, James Moss, John Stanop, Thomas Smith, John Lewis, Nicholas Meriwether, George Keeleing. Job Howse, Clerk. James Minge, Surveyor.

Middlesex. Justices: [Sir] Wm. Skipwith, Bart. (Sherif), Matthew Kemp, William Churchhill, Wm. Wormeley, Gawin Corbin, Thomas Landon, Francis Weekes, Robert Dudley, Henry Thacker, John Smith, Richard Willis, John Grymes. Edwin Thacker, Clerk and Surveyor.

Isle of Wight. Justices: Henry Applewaite, Samuel Bridger, Geo. Moore, Jer. Exum, Henry Baker, James Day, Thomas Giles, Anthony Holliday (Sherif), Arthur Smith, Robert Key, Humphry Marshall. Charles Chapman, Clerk. Tho. Swann, Surveyor.

Surrey. Justices: Henry Tooker, William Brown, Thomas Holt (Sherif), James Mason, Nathaniel Harrison, William Newsom, William Cock, Thomas Drew, John Edwards. Francis Clements, Clerk. Thomas Swann, Surveyor.

579. xxxviii. Account of the reduction of tribute paid by various Indian Nations, on account of their diminished numbers. Ap. 29, 1699. 1 *p.* *Signed,* Fr. Nicholson. *Same endorsement.*

579. xxxix. Memorandum of two Orders of Council of Virginia in 1688 and 1691 and Proceedings in Council in 1699 about the boundaries between Virginia and North Carolina, with a copy of the charter of Carolina. Memorandum of Journal of General Assembly, Ap. 27—June 8, 1699. 1 *p.*

579. xl. Memorandum of Journal of House of Burgesses and Copy of the Acts of General Assembly, Ap. 27—June 8, 1699. 1 *p.*

579. xli. Draft of the city of Williamsburgh, of Queen Mary's Port and Princess Anne's Port. 4 *pp. with sketch. Same endorsement.*

579. xlii. Memorandum of two Bills for settling the value of coins. $\frac{1}{4}$ *p.*

579. xliii. Memorandum of a Bill encouraging a new trade with the Indians. $\frac{1}{4}$ *p.*

579. xliv. Lord Bellomont to Gov. Nicholson. New York, May 6, '99. Through Col. Fletcher's neglect we shall hardly preserve the friendship of our Five Nations of Indians. The French use every device to destroy them

and inveigle them over to Canada. One thing mightily disturbs them that the Governor of Canada will not allow them to be subjects of England and requires them to go and make a separate treaty with him. Their number is reduced to 1,100 from 3,500 men before the war. You cannot do the Crown of England a more acceptable service than to open a trade with the Twichtwichts, Shatteras, and Dowaganhas Indians. *Copy.* 1½ *pp. Same endorsement.*

579. xlv. Proposal of Col. Cadwallader Jones about an Indian Trade. Jan. 16, 1699. 6¼ *pp. with sketch map. Same endorsement.*

579. xlvi. Minute of Council, June 24, 1692, about an Indian Trade. 1 *p. Same endorsement.*

579. xlvii. Copy of report of Committee for examining claims to land in Pamunkey Neck and on the South side of Blackwater Swamp, and for settling the N. and S. bounds of Virginia. 22 *pp. Same endorsement.*

579. xlviii. Copy of papers relating to the Piscataway Indians and Squire Tom. 7½ *pp. Same endorsement.*

579. xlix. Account of the tithables and public levies of tobacco in each county, 1699. 1 *p. Same endorsement.*

579. l. Form for taking the census of Virginia. 1 *p. Same endorsement.*

579. li. Copy of Robert Carter's bond for being Treasurer. 1 *p. Same endorsement.*

579. lii. Memorandum of Journal of Committee for claims, May 4-31, 1699. ¼ *p.*

579. liii. Memorandum of proceedings of Council June 21-22, 1699. ¼ *p.*

579. liv. Copy of H.M. Warrant for using the Seal of Virginia, and of 3 former warrants for that purpose. 3 *pp. Same endorsement.*

579. lv. Opinion of the Attorney General. Matters entered in the Council Book, except those which are themselves records, cannot be accounted Records nor given in evidence as such. *Signed,* Bartho. Fowler. 1 *p. Same endorsement.* [*Board of Trade.* Virginia, 7. *Nos.* 2, 2i.-lv.; *and (without enclosures)* 37. *pp.* 338-361.]

July 1. **580.** Two Orders of Council of Virginia in 1698 and 1691, and copy of Proceedings in Council in 1699 about the Boundaries between Virginia and North Carolina.

Copy of the Charter of Carolina. [*Board of Trade.* Virginia, 53. *pp.* 185-226.]

July 1.
Annapolis. **581.** Minutes of Council of Maryland in Assembly. The Delegates announced that on consideration of H.M. Instructions they decided that the rivers, creeks and harbours of the Province being so numerous, and the trade and shipping dispersing themselves so equally, the expense of erecting fortifications on the many landing places could not be defrayed by the Province, and were confident that if the Lords Commissioners did visibly know the

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Province they would concur and agree that all the revenues of it were insignificant compared with such expense. They had already made the competent maintenance directed to be assigned to Ministers, and would always be ready to provide for the clergy as the wealth and strength of their infant country increased. The Public Workhouses recommended to be built for the employment of the poor were altogether needless. None need stand still for want of employment. The Province wants workmen, workmen want not work; here are no beggars, and they that are superannuated are reasonably well provided for by the country. To this message the Council concurred.

Thomas Laurence, Esq., and Charles Greenberry, Gent., summoned to appear upon the order of the Lords Justices relating to the £150 claimed by Sir Thomas Laurence from Col. Greenberry's estate, as President of the Council in 1694, 1695.

The Committee appointed for enquiring into the reasons for the delay in building the Church and Free School at Annapolis reported that Major Dorsey, the Undertaker, had neglected to provide brick and timber for the Church and workmen for the School. He was ordered to be sent for to give the House satisfaction. [*Board of Trade.* Maryland, 14. *pp.* 426-428.]

July 1. **582.** Journal of House of Delegates of Maryland. John Leech, John Borman, Samuel Collines and Walter Lane took the oaths appointed. William Harris, Elisha Hall and Walter Smith appointed a Committee of Grievances. The Committee for revising the Laws was split and given their several tasks, with power to join upon emergency.

Petition of Mr. John Dent considered; decided that if he will keep an ordinary he may apply himself to the County Court, but the House will not preclude any other from keeping ordinary there that will set up. (*And see preceding abstract.*) [*Board of Trade.* Maryland, 15. *pp.* 394-397.]

July 3. Custom House, London. **583.** Mr. Sansom to William Popple. In return to yours of the 29th past, the passing of the commissions for administering the oath to the Governors of H.M. Plantations in America, and the distribution thereof were committed to the care of Mr. Randolph. He took twelve with him; those for the Leeward Islands were despatched after his departure; they were received, and the respective Governors had before taken the oath. Mr. Sharp hath owned the receipt of the Commission for Barbadoes. That for Jamaica was also forwarded. We are informed Mr. Randolph is detained prisoner in Bermuda. *Signed*, Jn. Sansom. *Endorsed*, Recd. Read July 3, 1699. 1 *p.* [*Board of Trade.* Plantations General, 5. *No.* 18; *and* 35. *pp.* 57, 58.]

July 3. Jamaica. **584.** Gov. Sir Wm. Beeston to William Popple. I transmit the Acts passed in the last Session of the Assembly and pray for the speedy return of these and of those sent for approval before. *Signed*, Wm. Beeston. [*Board of Trade.* Jamaica, 8. *No.* 124.]

July 3. **585.** Petition of the Clerks and other officers attending the Council of Trade and Plantations. Petitioners for want of their salaries, most of them having no other subsistence and being five

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quarters in arrear, are reduced to the utmost necessity. They have had some intimations that though the Lords of the Treasury are not at present able to pay the allowances and salaries of the whole office, yet, if they were moved in your petitioners' behalf, they might have some consideration of the great streights they lie under. *Endorsed*, Recd. Read July 3, 1699. [*Board of Trade*. Miscellanies, 1. *No*. 40.]

July 3. Annapolis. **586**. Minutes of Council of Maryland in Assembly. The Governor's Commission was sent to the House of Delegates at their desire, and was returned with thanks. Joint Committee appointed for the building of small tenements for the poor, impotent and lame who resort to the Cool Springs.

Petition of Samuel Chew for a remittance for some negroes unfit for sale referred to the House of Delegates.

Andrew Gregg, Master of the *Providence*, of Dublin, petitioning for the suspension of an action on a Navigation Bond, was referred to the Law unless he could produce a certificate from the English Customs. Several members appointed to confer with some of the members of the House about the business of Major Edward Dorsey.

July 4. A Commission of Oyer and Terminer for trial of two murthers assented to at the request of the Delegates, who desired further information about the Indian affair and a further conference in Major Dorsey's matter, which was agreed to. As to the affair about the Indians and the murthers lately committed by them, several papers lately sent to H.E. from Virginia were sent down to the House, who were recommended to enquire of Col. Beal, Lt.-Col. Smallwood, and Mr. Hutchison.

Petition of Capt. Humphrey Pellew, late Commander of the *Bridget*, of Falmouth, for a remittance on account of the burning of his ship, recommended to the Delegates.

Petition of Thomas Brook granted and that of Mrs. Mary Fielder recommended to the House.

Petition of Sir Thomas Laurence, Bart., considered. (*See Cal.* 1698. *Nos.* 863 *and* 985.) Fifty pounds allowed to him and £100 reserved to Col. Greenberry's estate.

The House reported their opinion that Major Dorsey should either submit himself to the General Assembly, and to such fines as they should think convenient for his neglect, or that a suit at Common Law should be commenced against him upon his recognizance. Referred back with recommendation to enquire if Dorsey will voluntarily submit as proposed and, if he will, to propose what sum the fine should be: if not, to review his obligation and consider whether it be found authentic for a suit at Common Law, or whether it may not be necessary by some law to make it so.

It was debated whether William Hunter, a Popish Priest in Charles County who had committed divers enormities in dissuading several poor ignorant people of the Church of England from their faith, should be wholly silenced. The question was left wholly to H.E. [*Board of Trade*. Maryland, 14. *pp*. 428-438.]

July 3. **587**. Journal of House of Delegates of Maryland. The Treasurer was directed to dispose of some tobacco at 6*s*. per

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hundred. A Committee of Public Accounts appointed. A conveyance ordered to be prepared for the land at Cool Springs for the use of the poor.

Major Dorsey, in custody, gave an account why he had not built the Church nor finished the Free School. The workmen had run away and could not be got in this Province or Philadelphia. He would submit himself to what the House adjudged him, but he would not finish the Church, but would take care to have the Free School finished as soon as possible.

July 4. Petition concerning negroes granted.

Read the Bill Explaining a first time.

Inquiry ordered to be made what money has been paid Major Dorsey and upon what account.

Report of Committee for Inspecting the Law concerning the Surveying of Land read. Further consideration of it ordered to the Committee.

Capt. Pellew's petition granted.

Petition of Mr. Henry Craft referred to the Dorsey Committee.

Mr. Collier's petition read, and the Committee for surveying of lands ordered to prepare a Bill accordingly.

It was resolved to hold a conference with the Hon. Col. John Addison about the Indians, according to the message of the Governor and Council.

The Committee reported upon the liability of Dorsey. The complaints of Craft against him decided to be not proved. Major Dorsey consented to return the money he had received towards building the Church.

A Bill in the matter of fines upon officers in arrears was ordered. A committee was appointed to confer with the Council about the Indian affairs. (*And see preceding abstract.*) [*Board of Trade.* Maryland, 15. *pp.* 397-404.]

July 3.
Whitehall.

588. Journal of Council of Trade and Plantations. Mr. Sansom's reply to the enquiry about Commissions for administering the oath to the Governors of the Plantations read. Ordered that further enquiry be made of him some while hence of the returns the Commissioners of Customs may receive from all places about the execution of those Commissions. Observing that, by Mr. Sansom's letter, the oath had not been administered there to any of the Governors by Commissioners duly authorised, their Lordships ordered Mr. Gardner's name to be again inserted in the Council of Nevis, seeing that he was in a manner in the same case with all the rest.

Mr. Weaver presented a list of names for the respective Councils of the Leeward Islands. Secretary ordered to write to Mr. John Vernon for a list of the persons he thinks fit.

Order of Council of June 29, ordering circular letters to be prepared, read, and drafts thereof ordered.

Mr. Thornburgh attending and being asked how it comes about that the present Governor in Carolina has not His Majesty's approbation, said that the present Governor is not so by virtue of any Commission or Deputation from the Body of the Lords Proprietors but only by virtue of the constitution as being a

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Proprietor himself, but that the Lords Proprietors are thinking to depute one, ere it be long. Asked about the quantity, quality, and prices of the pitch and tar that may be had from thence, he said that great quantities may be had and that they shortly expected some, when he would be enabled to give a more particular account of all circumstances relating thereto. Asked about the rice of that country, he said that they have lately received forty tons from thence very good, which they sell for thirty-six shillings per cwt. It grows in swampy grounds, and is even better than Milan rice, only they have not yet got the perfect art of hulling it, but hope to obtain it.

Petition from the Clerks of the Board for their salaries read. Resolved to do what may be proper when the Lords of the Treasury meet again. Mr. Gilbert Heathcote informed the Secretary that he believed the ship, concerning which he had lately desired letters to be writ to the several Plantations, was seized in New England. Concerning the petition of Sir Stephen Evance and Partners about the Assiento, he thought it might be beneficial for the Island of Jamaica, and had no objection against the prayer of the petition. Representation ordered accordingly.

Letter from Governor Day (*April* 15) read. Several notes for further consideration ordered to be taken.

July 4. Mr. Thornburgh's acknowledgement that the Governor of Carolina had not been appointed by the King ordered to be taken into consideration, together with the affairs of Pennsylvania or any other place where the Governors are under the same default.

Copies ordered to be made of several papers received with Governor Day's letter and fastened together by the same seal. Upon consideration of all these papers, Representation ordered with the opinion that Mr. Randolph has been illegally committed and that their Excellencies the Lords Justices may please to give order that he be immediately discharged.

July 5. Drafts of several papers to be laid before the Lords Justices in Council to-morrow agreed upon. [*Board of Trade.* Journal, 12. *pp.* 102-113; *and* 96. *Nos.* 102, 103, 104.]

July 4. Deal. **589.** Captain John Parker's receipt for a packet of letters from the Council of Trade to Mr. Grey, delivered to him by the hands of Mr. Bevis Hill, Postmaster at Deal. *Signed*, John Parker, Master of the *St. Joseph*, for Barbados. *Endorsed*, Recd. July 7, 1699. [*Board of Trade.* Barbados, 8. *No.* 10.]

July 4. **590.** Deposition of John Wilkinson, mariner of the sloop *Dolphin*, attested by John Knight, John Jackman, John Woodley and Ferdinando Mead, mariners of the *Dolphin.* Early in the morning they struck on the shoals before they saw land: soon after, they saw it and fired several guns for relief. About one o'clock the pilot came out to them in the Governor's boat, without whose aid they could not have brought the vessel safe out. They slipped two anchors; the weather continued tempestuous, and they only reached the harbour with great difficulty with two boats sailing before them to direct them through the channel, of which they were altogether ignorant. *Copy.* [*Board of Trade.* Bermuda, 39. *p.* 30.]

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July 4. **591.** Minutes of Council of Barbados. John Holder, jr., returned to serve in the Assembly for the parish of St. Joseph in place of Henry Gallop, deceased, Thomas Maycock, for the parish of St. Lucy, in the room of Thomas English, deceased, and Enoch Gretton for the parish of St. Phillip in the room of Henry Markland, deceased, took the oaths appointed and signed the Test and Association. Commissioners of Fortifications ordered to meet and present the state of them in order to their being repaired. [*Board of Trade.* Barbados, 65. *p.* 432.]

July 4. **592.** Journal of Assembly of Barbados. Bill to ascertain the fees of the several officers of the island read and recommitted. Jonathan Downes fined for non-attendance. A supplemental Bill to the Act for the further provision of white servants ordered to be drawn up, providing for the proper surveying of the land in each July 5. parish and appointing surveyors therefor. Dissolved for lack of a quorum, only ten members being present. [*Board of Trade.* Barbados, 65. *pp.* 416-418.]

July 5. **593.** Proprietors of East New Jersey to the Council of Trade and Plantations. The Proprietors are ready to surrender their Government to his Majesty, if (1) H.M. will confirm to them the lands of the Province and quit-rents reserved upon grants made or to be made; (2) Upon the annexation of the Government of the Province of New York, the Port of Perth Amboy be established for import and export on payment of the same customs as shall be payable at New York; (3) the Proprietors have liberty to trade with any Indians or other inhabitants of America and the sole privilege of purchasing from the Indians all lands lying within East Jersey as yet unpurchased from them; (4) all necessary officers and Courts of Justice be held in East Jersey, and the inhabitants be not obliged to go to New York or be impleaded there for any criminal or civil matter arising within East Jersey, nor be compelled to serve upon juries or in any ministerial office within the Province of New York; (5) a Superior Court be held twice a year at Perth Amboy; (6) the Public Register and all Records relating to the Province be kept at Perth Amboy; and the Secretary, Register and Surveyor General be constituted by the Proprietors; (7) the same number of counties be continued in East Jersey, and each county send as many Representatives to the General Assembly as any county in New York; (8) a proportionable number of the inhabitants of East Jersey be of the Governor's Council; (9) the 24 Proprietors be Lords of the Soil, hold Courts for the lands and appoint all officers therefor; (10) no person be molested or deprived of any civil right or privilege because of his religious opinions; (11) Probate may be granted by the Chief Judge of East Jersey; (12) the Proprietors may still grant markets and fairs; (13) and if all lands and goods of traitors, etc., treasure trove, mines, wrecks, or royal fish, forfeited, found or taken within East Jersey or by the inhabitants thereof within the seas adjacent, remain to the Proprietors, with all other privileges as amply as in the grant and confirmation of March 14, 1682. It is humbly desired that Col. Andrew Hamilton may proceed to the Government of West Jersey. *Signed*, Wm. Dockwra, Secr. and Regr., on behalf of the Proprietors. 2¾ *pp.* *Enclosed*,

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593. i. Proclamation of Charles II. confirming the grant of East New Jersey to 24 grantees, their heirs and assigns, as absolute Proprietors and Governors, Whitehall, Nov. 23, 1683. *Signed*, Sunderland. *Copy*. Printed by John Bill's Assigns, Henry Hills, and Thomas Newcomb. London. *Endorsed*, Recd. July 5, Read July 20. [*Board of Trade*. Proprieties, 3. *Nos*. 23, 23 i.; *and* (*without enclosure*) 26. *pp*. 1-7.]

July 5. Whitehall. **594.** R. Yard to W. Popple, referring to the Council of Trade and Plantations a letter from Mr. Broughton, H.M. Consul at Venice, giving an account of an English ship come to Venice directly from the West Indies and preparing to return thither. Which being a thing very prejudicial to the Trade of this Kingdom, the Lords Justices direct the consideration thereof and a report as to what is judged proper to be done for giving a stop to so pernicious a design. *Signed*, R. Yard. *Annexed*,

594. i. Abstract of a letter from Mr. Broughton, Venice, June 19, 1699. I calculate the loss to his Majesty through the *Seaflower* sloop trading hither direct with thirty tuns of logwood from Honduras and returning with a cargo of beads amounts to about £1,500. *Enclosed*,

594. ii. Petition to the Doge and College by Captain Fibber of the *Seaflower* to be relieved of the usual customs and promising in that case to induce many others to embark on this trade. *Italian*. The petition was rejected. [*Board of Trade*. Trade Papers, 14. *pp*. 303-308.]

[? July 5.] **595.** Proprietors of West Jersey to Council of Trade and Plantations. The Proprietors having found, to their great surprise, that your Lordships question the validity of their grant, represent that the concurrent judgments of many lawyers declared that the Government passed with the country itself to the Proprietors. They hope you will intercede with His Majesty to confirm the grant, since if West Jersey were annexed to New York it will run the hazard of utter ruin, the distance of the two provinces from each other rendering it impracticable for the inhabitants of West Jersey to attend the Assemblies or Courts of Justice at New York. *Signed*, Rob. Michel, John Bridges, Fran. Minshull, Michael Watts, Tho. Lane, Obadiah Burnett, E. Richier. *Endorsed*, Recd. July, 1699. 2 *pp*. [*Board of Trade*. Proprieties, 3. *No*. 23 a.]

July 5. **596.** Minutes of Council of New York. On consideration of the orders of the Governor to commit Shelly and his crew without bail or mainprize, the Council were of opinion that it was not warrantable as to the sailors. Petition of John Decker read. [*Board of Trade*. New York, 72. *p*. 259.]

July 5. **597.** Minutes of Council of Maryland in Assembly.

The petition of Roger Newman, merchant, praying the assignment of Mr. Nicholas Lowes' Sheriff's bond for tobacco owed to him, allowed.

The Committee for Indian Affairs reported that Major James Smallwood and Wm. Hutchison should be despatched to the

1699.

Pamunkey Indians, that are lately come from the Piscataway Indians, under pretence to tarry to know whether they will abide or are returned back, and to endeavour to persuade some of their great men to appear before His Excellency, the Council and Assembly, to know whether they will come in and remain amongst them. The messengers were despatched accordingly.

July 6. The Governor claimed the Keeping of the Great Seal by his commission, which was allowed. The Delegates were desired to compose a law to regulate the Chancery proceedings.

The petition of Philip Lynes, of Charles County, to be sheriff was rejected.

Henry Jowles, Judge of the Vice-Admiralty Court at the condemnation of the French prize, *John of Bordeaux*, allowed seven *per cent.* of ship and cargo.

Letters of Isaac Miller (London, Oct. 8, Dec. 30, and Jan. 26, 1698), about money remitted to him by the Council, with invoices of goods shipped and accounts of Bills of Exchange remitted, read. Several of the arms so shipped were brought before the Board and judged very bad and almost useless.

The Governor was desired to send for 20 muskets with good strong English-fashioned locks with back ketches and 20 carabins.

Mr. Miller's letters were communicated to the Delegates and their opinion was invited as to how the arms and ammunition referred to should be distributed.

The Delegates reported that Major Dorsey had submitted to a fine and was discharged the work. The Council concurred but suggested that the fine might be less than £200.

A Joint Committee was appointed to compose a law for regulating Chancery proceedings.

July 7. Members of the House attended to see the Treasurers and Naval Officers sworn. Robert Mason, Treasurer of the Western Shore, was no longer suspended. George Plater, William Dent, George Muschamp, W. Bladen and Thomas Collier made oath to their Naval Officer's accounts. The proceedings of the House and the conveyance of the 50 acres of land including the healing fountain's waters called the Cool Springs purchased from John Dent by the Trustees appointed were submitted to the Council and the Attorney General.

The distribution of the arms and powder through the Counties was agreed upon. [*Board of Trade.* Maryland, 14. *pp.* 438-450.]

July 5. **598.** Journal of House of Delegates of Maryland. *See preceding abstract.*

July 6. Committee appointed to consider the elections and privileges of the new members, reported that Mr. John Worthington had been duly elected for Ann Arundel County. The oaths were administered to him and he subscribed the test and association. A treasurer's account was ordered to be inspected, and a mistake rectified.

The concern of the Free School left to the care of the governors and visitors. Additions made to the Bill for ascertaining the bounds of land. Bill for transferring to Major William Whittington the debts due from officers of Somerset County read the first time.

1699.

Col. Robt. Quarye abated a duty paid on rum imported and lost in the ice. Major Dorsey sentenced to pay a fine of £200.

And see preceding abstract.

July 7. The House determined not to reduce Major Dorsey's fine. Bill to empower Benjamin Williams to sell the land of Joseph Williams, deceased, to pay his debts, read a first time.

And see preceding abstract.

[*Board of Trade.* Maryland, 15. *pp.* 404-413.]

July 6. Whitehall. **599.** Council of Trade and Plantations to the Lords Justices. On consideration of Mr. Randolph's letters of May 1st and 22nd, and of Governor Day's letter of May 18, we consider Mr. Randolph's imprisonment illegal and a great hindrance to H.M. service, and propose that your Excellencies order Mr. Day to take care that Randolph be immediately discharged and be permitted to pursue the business of his commission. *Signed,* Stamford, Lexington, Ph. Meadow, Jno. Locke, Abr. Hill. [*Board of Trade.* Bermuda, 29. *pp.* 176-178.]

July 6. Whitehall. **600.** Council of Trade and Plantations to the Lords Justices. In obedience to your order of June 29 we lay before your Excellencies the draught of a letter to the Governor of Barbadoes, together with a draught of a circular letter to the other Governors of Plantations, omitting East and West New Jerseys because of the depending doubt about the Proprietors' claim to the right of Government. *Signed,* Stamford, Lexington, Ph. Meadows, Jno. Locke, Abr. Hill. *Annexed,*

600. i. Draught of a circular letter to the Governors of H.M. Plantations. [*Board of Trade.* Plantations General, 35. *pp.* 58-61.]

July 6. **601.** Draft of a circular letter from the Lords Justices to the Lords Proprietors of Carolina, prepared by the Council of Trade and Plantations. Notwithstanding the instructions which have been constantly given to the Governors of all H.M. Plantations in America for preventing the carrying on of illegal trade in their respective Governments, and notwithstanding the more particular body of instructions that have been lately given for the same purpose in pursuance of several laws relating to the Trade and Navigation of this Kingdom, yet several complaints having been made of encouragement given to illegal trade in some of them, connivance at it in others, in some places of obstructions and opposition made to the officers of H.M. Customs, and in others, most particularly in the Proprieties and Charter Governments, of great opposition to the establishment of those Courts of Admiralty which His Majesty has thought fit to be there erected, and to the officers of the said Courts in the performance of their offices, we taking the said matters into consideration and being sensible of the mischievous tendency thereof, not only with respect to H.M. Revenue, but also to the interest of this kingdom and even of the Plantations themselves, have thought fit to require all the respective Governors or Commanders-in-Chief of H.M. Plantations in America to be very observant of the forementioned instructions, and do hereby more particularly require you to be very careful in causing the Acts of Trade and Navigation to be duly put in execution within H.M. dominions under your Government, and that in order thereunto you fail not to give constant protection and all due encouragement, not only to the officers of H.M. Customs but to those also of the Admiralties, which his Majesty has thought fit to be there erected in the discharge and execution of their respective duties, as you will answer to the contrary.

The same letter, *mutatis mutandis*, written to
The Lords Proprietors of the Bahama Islands.
Mr. Penn, Proprietor and Governor of Pennsylvania.
The Governor and Company of Connecticut.
The Governor and Company of Rhode Island.
[*Board of Trade.* Proprieties, 25. *pp.* 469-471.]

July 6. **602.** Same letter, *mutatis mutandis*, to the Earl of Bellomont, Governor of New York, Massachusetts Bay and New Hampshire. [*Board of Trade.* New York, 53. *pp.* 304-305; *and* New England, 37. *pp.* 153-155.]

July 6. **603.** Same to Sir W. Beeston, Lieutenant Governor of Jamaica. [*Board of Trade.* Jamaica, 56. *pp.* 344-346.]

July 6. **604.** Same to Samuel Day, Governor of Bermuda. [*Board of Trade.* Bermuda, 29. *pp.* 178-179.]

July 6. **605.** Same to F. Nicholson, Governor of Virginia. [*Board of Trade.* Virginia, 37. *pp.* 335-336.]

July 6. **606.** Same to the President and Council of Nevis. [*Board of Trade.* Leeward Islands, 45. *pp.* 376-377.]

July 6. **607.** Same to Nathaniel Blakiston, Governor of Maryland. [*Board of Trade.* Maryland, 9. *pp.* 383-384.]

July 6. **608.** Same to Ralph Grey, Governor of Barbados, with the following additional paragraph:—

But having been particularly informed of the good services of this kind done by you in countenancing and protecting Mr. Wm. Sharp, Commissioner and Collector of H.M. Customs at Bridge Town in Barbados, and other officers of the Customs there against the vexations and discouragements given them in the discharge of their trust by some turbulent men, as we approve of your conduct in that matter, so we the more confidently expect your continuance of the same according to what we have now required of you. [*Board of Trade.* Barbados, 44A. *pp.* 311, 312; *and* 65. *pp.* 474, 475.]

July 6. **609.** Memorial of the Agent for New York to the Council of Trade and Plantations. The forts and garrisons are in great want of 20 pieces of cannon, 6 mortars, and a good number of bombs, 100 barrels of gunpowder, a suitable quantity of balls, and 200 beds for sentinels. A frigate now ordered for a guardship may safely convey these stores to New York. *Signed*, T. Weaver. *Endorsed*, Recd. Read July 6, 1699. 1 *p.* [*Board of Trade.* New York, 8A. *No.* 34; *and* 53. *p.* 303.]

July 6.
Whitehall. **610.** Council of Trade and Plantations to the Lords Justices. We think the undertaking mentioned in the petition of Sir Stephen

1699.

Evance, etc. (*No.* 535 I.) tends to the benefit of this kingdom and recommend that instructions be given as desired. *Signed*, Stamford, Lexington, Ph. Meadows, Jon. Locke, Abr. Hill. [*Board of Trade.* Jamaica, 56. *pp.* 342, 343.]

July 6. **611.** Minutes of Council of Barbados. Richard Syle, Master of the sloop *Assurance*, from Bristol, and Peter Leech, Master of the brigantine *Endeavor*, from New England, examined concerning a ship that pursued and fired on them. Offer of Capt. Collin Hunter, H.M.S. *Dolphin*, in the absence of H.M.S. *Speedwell* on her cruize, to seize and bring in a pirate upon this coast communicated. Letter to thank him and acquaint him that orders were given for a commission to be granted to Capt. William Mill to command the brigantine *Seaflower* with thirty effective men to seize the pirate ship, ordered. Commission to Capt. Mill ordered, with instructions to bring the pirate into the Port of the Bridge or to return to port if he do not meet, see or hear of her in six days. [*Board of Trade.* Barbados, 65. *pp.* 432, 433.]

July 6. Whitehall. **612.** Journal of Council of Trade and Plantations. Representation upon the New England Address about Appeals ordered.

Representation and draughts of circular letters to the Governors of Plantations about protecting and encouraging officers of the Customs and Admiralty signed and sent to the Council Board.

Representation upon Mr. Randolph's imprisonment at Bermuda signed and sent.

Representation upon the petition of Sir Stephen Evance signed and sent.

Upon Mr. Weaver's presenting a memorial for stores of war to be sent to New York, the Engineer's report to Lord Bellomont and particulars of stores previously sent ordered to be laid before the Board.

Letter from Mr. Yarde about an English ship arrived at Venice from the West Indies, etc., read.

July 7. Laws of Pennsylvania received from Mr. Penn with Mr. Solicitor's report upon them. Resolved to take them into consideration at the first opportunity.

Copies of papers relating to the denial of appeals by the Courts of Massachusets Bay to Mr. Brenton ordered to be taken.

Ordered that Mr. Attorney be desired to return the Laws of Bermuda that a list may be taken of them and returned for his opinion.

Letter to Mr. Attorney and Solicitor General for their opinion about the ship arrived at Venice from Honduras ordered.

Memorial from Col. Codrington about negroes in the Leeward Islands running away to the French, read. Copies of papers relating thereto (*Feb.* 5) ordered to be sent to him. [*Board of Trade.* Journal, 12. *pp.* 113-117; *and* 96. *Nos.* 105-106.]

July 6. Deale. **613.** Bevis Hill to Wm. Popple, acknowledging receipt of packets sent to him June 28. *Signed*, Bevis Hill. *Endorsed*, Recd. July 7, 1699. [*Board of Trade.* Plantations General, 5. *No.* 19.]

July 7. **614.** Memorandum of above. [*Board of Trade.* Plantations General, 35. *p.* 62.]

1699.

July 6 & 7. **615.** Minutes of Council and Assembly of Antigua. The figure of a trepezum chosen for the platform to be built on Mangrove Point at Parham Harbour. The Assembly represented that sickness having usually been brought by H.M. ships, and H.M.S. *Queenborough* being newly arrived with the distemper on board, Capt. Billingsley be requested to take her to English Harbour to careen her and not to allow any of his men to leave that spot. Capt. Billingsley informed the Governor and Council that he had not a sick man on board, and that he had used every means to make his ship healthy by constantly washing her and the ballast. Payment for stores and building the platform ordered. The Assembly objected to paying for some sick sailors. As no answer had been received from Nevis about the Act for naturalising aliens, sent there to pass the Seal of the Islands, it was decided to send the Act without the seal to the agent, with a particular recommendation from the Council and Assembly. Bill for ascertaining to what executors are entitled and the amendment of the Militia Act recommended to a Committee of the Assembly. Richard Buckeridge ordered to fulfil his agreement with John Chamberlain and teach him the art of a merchant. [*Board of Trade.* Leeward Islands, 64. *pp.* 310-314.]

July 7. Nevis. **616.** President and Council of Nevis to the Council of Trade and Plantations. Walter Symonds, Esq., Member of the Council, has died, and there being but five remaining, in order that public affairs might not suffer for want of a quorum, we have appointed William Butler, Esq., one of the Council, a gentleman of a good interest and behaviour. One Peter Smith, a Dutchman of good note and an inhabitant of the island of St. Thomas, gives an account that when the Scotch ships touched at said island in their way to Leeward, the Governor, John Lawrence, not knowing but they intended to settle at Crabb Island, immediately dispatched two of his Council with some others of the inhabitants to that island, with orders to set up the Danish flag, which they did, but finding the Scotch's designs were not for that place returned to St. Thomas. We received a letter from the Governor of His Majesty's part of the island of St. Christopher's laying down the ill state of the said island for want of ammunition and other stores in case of another war. We are not in a condition to give them any assistance of those necessaries they want, having received no supplies from His Majesty this five years past. The French are vigorous on their new settlement on said island, having two men-of-war with soldiers arrived there some few days since. We shall be able by the next to give your Lordships a further accompt. *Signed,* Wm. Burt, Jno. Smargin, Richd. Abbott, Mich. Smith, Wm. Butler, Dan Smith. *Endorsed,* Recd. Aug. 30, Read Aug. 31, 1699. 3 *pp.* *Enclosed,*

616. I. Information of Mr. Peter Smith, a Dutchman, of St. Thomas. When Captain Kidd on his way to Leeward anchored off the harbour of St. Thomas, he writ ashore to the Governor, desiring leave to come into the harbour and that the Governor would protect him, upon which the Governor ordered Smith to go immediately on board Kidd and to demand of him upon

what account he was, if upon an honest one he might come in, and if otherwise to go away. Kidd replied he believed the Governor would immediately dispatch a sloop up to Nevis to give an account of his being there, and said he would be gone, and was desirous to buy a sloop, but Smith would not sell him one. Then Kidd desired him to supply him with the value of two hundred pounds in provisions and other necessaries, and that he would give him for it a sloop-load of bales of muslin and other goods. But Smith refusing to do it, went ashore, and Kidd, after staying forty-eight hours, went to an island called Moona, between Porto Rico and Hyspaniola, but by the way met with one Hen. Bolton with a large sloop, who went with Kidd to Moona and Kidd employed him to go with his sloop to Coriaco, to buy him provisions and other necessaries, which Bolton did, and returned with it to Kidd. After which, Kidd bought Bolton's sloop off him for three thousand pieces of eight, and loaded the sloop with the finest goods he had and went with the sloop to New York, leaving Hen. Bolton in possession of the ship and remaining part of the goods. But before he went, he sold to one William Burke, an Irishman, one hundred and twenty or thirty bales of muslin, which muslin Burke carried to St. Thomas, and one Vanbell of that island assisted him to land it privately in the night and put it into said Vanbell's house, and the Governor of St. Thomas being informed of it, he immediately seized it all and the vessel that imported it, and said Burke left in the Governor's hands five thousand pieces of eight security for the vessel and went away with her to Barbados. Soon after there arrived at St. Thomas a Cariaco sloop that had been with Kidd and had on board a great quantity of saultpeter and about twelve bales of goods which was also seized by the Governor, John Lawrence. The ship Kidd had was a Moorish built ship, thirty odd guns, and about thirty men and some few negroes. Bolton, it is said, acts as Attorney to Kidd until he returns from New York.

When the Scotch ships touched at St. Thomas in their way to Leeward, the Governor of St. Thomas not knowing but they intended to settle at Crabb Island, immediately dispatched a vessel with some of the inhabitants of St. Thomas to Crabb Island, with orders to put up the Danish flag, which they did, and not finding the Scotch came there they returned to St. Thomas. *Endorsed*, Recd. Aug. 30. Read Aug. 31, 1699. 1½ *pp.*

616. II. President and Council of Nevis to James Vernon, enclosing copy of Peter Smith's information. *Endorsed*, R. 30. Aug. '99. 1 *p.*

616. III. Duplicates of preceding. [*Board of Trade.* Leeward Islands, 6. *Nos.* 31, 31 I.-V.; *and* 45. *pp.* 397-402.]

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July 7.
Nevis.

617. Wm. Burt to James Vernon. John Taylder appointed to disband Col. Holt's regiment died lately at St. Christopher's before he had quite finished all his business. As I am empowered by the instructions of the Lords Justices in case of his death, I shall take that imploy upon me. He left £2,000 of which at least six or seven hundred will be taken up to finish what's yet undone. *Signed*, Wm. Burt. *Endorsed*, R. 30 Aug. '99. [*Board of Trade.* Leeward Islands, 6. *Nos.* 31 A, *and* 31 A. I, *duplicate.*]

July 7.

618. Copies of papers received from Mr. Brenton relating to two cases about seizures wherein the Courts of the Massachusets Bay had denied him an appeal to His Majesty. *Endorsed*, Recd. July 7, 1699. 17 *pp.* [*Board of Trade.* New England, 9. *No.* 61.]

July 7.

619. William Popple to the Attorney and Solicitor General. The Council of Trade and Plantations having under consideration the account of an English ship, which came lately from Honduras in the W. Indies (being no part of H.M. Plantations) to Venice, with a cargo of loggwood, which she there unladed and was about to relade there with goods proper for a trade to the Coast of Guinea, in order, as is supposed, to buy negroes, and carry them to some parts in the W. Indies, and so manage an indirect trade without touching in England either out or home, their Lordships desire to know whether there be any law against such a trade, and what can be done with such a ship or cargo or the master thereof, whenever they may happen to be met with. [*Board of Trade.* Trade Papers, 14. *pp.* 308, 309.]

July 7.
Whitehall.

620. Wm. Popple to Sir Thomas Trevor, asking for the return of Acts of Assembly of Bermuda, 1690-1694. [*Board of Trade.* Bermuda, 29. *p.* 180.]

July 8.
Boston.

621. Governor Lord Bellomont to the Council of Trade and Plantations. I have the misfortune to be ill of the gout at a time when I have a great deal of business to exercise both my head and my hand. It will not be unwelcome to your Lordships to tell you that I secured Capt. Kid last Thursday in the gaol of this town with five or six of his men. He had been hovering on the coast towards New York for more than a fortnight, and sent to one Mr. Emot to come from New York to him at a place called Oyster Bay in Nassau Island. He brought Emot from thence to Rhoad Island and there landed him, sending him hither to me with an offer of his coming into this part provided I would pardon him. I was a little puzzled how to manage a treaty of that kind with Emot, a cunning Jacobite, a fast friend of Fletcher's and my avowed enemy. When he proposed my pardoning Kid, I told him it was true the King had allowed me a power to pardon pirates, but that I was so tender of using it, because I would bring no stain on my reputation, that I had set myself a rule never to pardon piracy without the King's express leave and command. Emot told me that Kid has left the great Moorish ship he took in India (which I have since found went by the name of the *Quidah Merchant*) in a creek on the coast of Hispaniola, with goods to the value of £30,000: that he had bought a sloop, in which he was come before to make his terms; that he had brought in the sloop

1699.

with him several bales of East India goods, three score pound weight of gold in dust and in ingots, about a hundred weight in silver and several other things which he believed would sell for about £10,000. Emot also told me that Kid was very innocent, and would make it appear that his men forced him, locking him up in the cabin of the *Adventure* galley, while they robbed two or three ships, and he could prove this by many witnesses. I answered Emot that if Kid could make that appear he might safely come into this port and I would undertake to get him the King's pardon. I writ a letter to Capt. Kid, inviting him to come in and that I would procure a pardon for him provided he were as innocent as Mr. Emot said he was. I sent my letter to him by one Mr. Campbell of this town and a Scotch as well as Kid and his acquaintance. Within three or four days Campbell returned to me with a letter from Kid full of protestations of his innocence and informing me of his design of coming with his sloop into this port. I must not forget to tell your Lordships that Campbell brought three or four small jewels to my wife, which I was to know nothing of, but she came quickly and discovered them to me and asked me whether she should keep them, which I advised her to do for the present, for I reflected that my showing an over-nicety might do hurt, before I had made a full discovery what goods and treasure were in the sloop. All this whole matter, even to my writing my letter to Kid was transacted with the privity and advice of the Council. Kid landed here this day seven night; and I would not so much as speak with him but before witnesses. I thought he looked very guilty and to make me believe so he and his friend Livingston (who posted hither from Albany upon news of Capt. Kid's design of coming hither) and Campbell aforesaid began to juggle together and imbezle some of the cargo; besides Kid did strangely trifle with me and the Council three or four times that we had him under examination. Mr. Livingston also came to me on a perremtory manner and demanded up his bond, and the articles which he sealed to me upon Kid's expedition, and told me that Kid swore all the oaths in the world that unless I did immediately indemnify Mr. Livingston by giving up his securities he would never bring in that great ship and cargo, but that he would take care to satisfy Mr. Livingston himself out of that cargo. I thought this was such an impertinence in both Kid and Livingston that it was time for me to look about me and to secure Kid. I had notice that he designed my wife a thousand pound in gold dust and ingots last Thursday, but I spoiled his compliment by ordering him to be arrested and committed that day, showing the Council my orders from Court for that purpose. Two gentlemen of the Council, two merchants and the Collector have the charge of all the cargoes, and they are preparing inventories of everything which shall be sent to your Lordships by the next ship. I delivered up to those five persons the jewels that Kid sent by Campbell to my wife, and that at the Council Board. If I had kept Mr. Secretary Vernon's orders for seizing and securing Kid and his associates with all their effects with less secrecy, I had never got him to come in, for his countrymen, Mr. Graham and Livingston would have been sure to caution him to shift for himself, and would have been well paid for their pains. I received the Lords Justices' orders about Kid, and likewise Mr. Vernon's about three months before my leaving New York, but I never discovered them to anybody, and when I heard people say that the neighbouring Governors had orders from Court to seize him, I laught as if I believed no such thing. I wish they may not let him escape here, as they have Bradish, a notorious pirate. About a fortnight ago Bradish and another pirate got out of the gaol of this town and escaped with the consent of the gaoler, as there is great reason to believe. As the law stands in this country a pirate cannot be punished with death. Therefore I desire to receive orders what to do with Bradish's crew and also with Kid and those men of his I have taken. Since my leaving New York one of the four ships has come in that went from thence to Madagascar last summer and of which I informed you, and has brought 60 pirates and a vast deal of treasure. I hear that every-one of the pirates paid £50 for his passage, and the owners I am told have cleared £30,000 by this voyage. 'Tis observable that Mr. Hackshaw, one of the marchants that petitioned against me to your Lordships and Stephen Delancy, a hot-headed, sawcy Frenchman and Mr. Hackshaw's correspondent, are the chief owners of this ship. I hear there were 200 pirates at Madagascar when this ship came away, who intended to take their passage in Fred Phillips' ship and the other two belonging to New York. A great ship has been seen off this coast any time this week; 'tis supposed to be one Maise a pirate, who has brought a vast deal of wealth from the Red Seas. There is a sloop also at Rhoad Island which is said to be a pirate. I hear the men go ashore there in the day-time and return to the sloop at night and spend their gold very liberally. We can do nothing towards the taking these ships for want of a man-of-war I am manning out a ship to go in quest of the *Quidah Merchant.* By some papers which we seized with Kid and by his own confession we have found out where the ship lies, and according to his own account of the cargo, we compute her to be worth £70,000. The ship that carries this is just upon sailing and will not be persuaded to stay any longer, so that I cannot send the inventories of the goods brought in by Kid; nor the informations we have taken about him from his own men till next opportunity. *Signed,* Bellomont. *Endorsed,* Recd. Read Aug. 31, 1699. *Copy.* 6 *pp.* *Annexed,*

621. i. Abstract of above letter. 2½ *pp.* [*Board of Trade.* New England, 9. *Nos.* 62, 62-i.; *and* (*without abstract*) 37. *pp.* 169-174.]

July 8. **622.** Minutes of Council of New York. Answer to the Schaakhook Indians going to settle on the Lake of Canada approved. They are to be invited to return, and their creditors are forbidden to molest them. [*Board of Trade.* New York, 72. *pp.* 259, 260.]

July 8. **623.** Minutes of Council of Maryland in Assembly. The Bill for ascertaining the bounds of lands was sent up; the Council proposed delaying it till next Assembly, in which time it might be communicated to the Justices of the County Court. Three Bills sent up, one, a saving to my Lord Baltimore's land, was rejected, it not being thought fit further to indulge his Lordship than other

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His Majesty's good subjects of this Province. Report of Committee regulating the Chancery, approved by the House submitted by the Council:—(1) His Majesty by his commission having enjoined His Excellency to be keeper of the seal, he is thereby Chancellor, and that, by virtue of a former law, is a particular and distinct Court; the Governor and Council for hearing of writs of error and appeals from the Provincial Court is another distinct Court, so that the Governor and Council will be one and the same Judges in both Courts. (2) By the former law, if any person, upon the Chancellor's decree or determination of any matter, thought himself aggrieved, he should pray the Governor and Council for a reviving and rehearsing the same, so that they are still the same Judges. To prevent such inconveniency we recommend the passing of some law or presenting of some means as thought fit. To this the Governor and Council replied, advising that the Governor must, according to instructions, hear Chancery causes. For his assistance two of the Council should be joined with him, and for hearing of appeals a full quorum, not less than five, of the Council. If it be doubted any inconveniency may arise by this method the new law may be made for once temporary, till time and experience show whether it deserves to be continued.

A conference between the two Houses arranged concerning the Bill for ascertaining the bounds of Lands. The distribution of arms and powder approved. [*Board of Trade.* Maryland, 14. *pp.* 450-454.]

July 8. **624.** Journal of House of Delegates of Maryland. Bills read a second time and sent up. Report of Committee for regulating the Chancery considered; difficulties and inconveniences suggested and submitted to the Governor and Council.

The House disagreed with the proposal of the Council to delay the Bill for ascertaining bounds of land, and desired them to join in a Committee.

Surplus gunpowder ordered to be sold at 55*s.* per barrel.

Ordered that Mr. Jacob Moreland carry the conveyance of the land at the Cool Springs at the house of Mr. John Dent and summon two of the nearest Justices of St. Mary's to take the acknowledgment of Mr. Dent and his wife.

Journal of the Committee of Aggrievances read. Sheriff's accounts and sheriff's charges, ships being obliged to make double entries, the expense of taking out writs and that real estates are not liable to debts. The sheriff, Col. Wm. Pierce, was ordered to state his accounts, refund, and be fined 1,000 lbs. of tobacco. *And see preceding abstract.* [*Board of Trade.* Maryland, 15. *pp.* 413-419.]

July 10. **625.** T. Weaver to the Council of Trade and Plantations. Col. Romar may be presumed to be still in America. The stores required by Lord Bellomont are those specified in my letter July 6. Col. Ingoldsby can give a particular account of the forts at Albany, where I never was. I suppose the guns desired were for those forts or for what were thought requisite to be new made, for that the fort at New York had guns sufficient. I know that at my leaving New York the soldiers wanted beds, and there was but a

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small quantity of powder and musket ball. *Signed*, T. Weaver. *Endorsed*, Recd. Read July 10, 1699. 1 *p.* [*Board of Trade.* New York, 8A. *No.* 35; *and* 53. *pp.* 306, 307.]

July 10. Jamaica. **626.** Gov. Sir William Beeston to Mr. Secretary Vernon. I have written to your Honour by this ship already, but she has delayed longer than was expected. By one of our vessels that arrived yesterday from the Spanish Coast I am advised that the Scotch have wholly deserted their settlement at Callidonia, and are gone from thence about 17 days since, but whither we cannot hear nor guess unless they are gone to disperse themselves amongst the Northern Plantations, for they have not provision to carry them to Scotland. What should induce them to so sudden a remove is also uncertain. It's true the Spaniards had called the Barliavento Fleet to Cartagena, and they with the ships that carried that Governor thither and all other they could pick up were preparing to carry a considerable strength against the Scotch, so that whether the apprehension of that force or the proclamation I put out here, which hindered them from all manner of supplies from hence, by which they were almost starved, was the cause of their remove, is yet uncertain. But that they are gone, the master of the vessel tells me that he met three canoes at the Barues, that came from Callidonia, and had three Spaniards on them who had been prisoners with the Scotch and freed by them when they sailed, and also that those canoes were laden with iron crows, shot and other iron tools the Scotch left behind them, which seems to indicate that they went away in haste. Sir, we have just now a report that the King of Spain is dead. *Signed*, Wm. Beeston. *Endorsed*, Recd. Read Sept. 15, 1699. Received from Mr. Yard. *Copy.* 2 *pp.* [*Board of Trade.* Jamaica, 8. *No.* 125; *and* 56. *pp.* 359, 360.]

July 10. Whitehall. **627.** Council of Trade and Plantations to the Earl of Jersey. We enclose extracts of letters from Mr. Day and Mr. Randolph about one Daniel Smith imprisoned in Bermuda for piracy. *Signed*, Stamford, Lexington, Ph. Meadows, Jno. Locke, Abr. Hill. [*Board of Trade.* Bermuda, 29. *pp.* 180, 181.]

July 10. **628.** Col. Codrington to Council of Trade and Plantations, in answer to the French claim for runaway negroes, which was referred to him by the Council, July 7. In fact there was no such stipulation as the French pretend to; in right there could be none such; the negroes became the property of the conquerors, were fairly divided between the fleet and army and sold off to Barbados, Jamaica, the Northern Plantations, the Leeward Islands and some probably to the Spaniards themselves. There was no such treaty because there needed none such. Our demand is founded on the Law of Nations. We are at peace with the French and the negroes are as much our property as our cattle, etc. The consequence is evident. The pretence of religion is idle. Christianity does not alter the condition of men nor destroy the right of tenure by which slaves are held. This is incontestable in the Civil Law and the French practise is in consequence of it. They baptise all their slaves (I dare not say they make them Christians) who yet continue as much slaves as those in the English colonies.

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To their instance, I say the English General was in the wrong just as the French General is now, and no doubt but the Chief Governors on both sides would prefer this method, nay, underhand encourage the practice for their own advantage to the prejudice of the proprietors, but it ought to be asked, was this done by direction from our Court? Did the French demand satisfaction from our Ministers, and was the point settled by approving the English General's conduct? When some negroes got off from Tobago on board Capt. Haddock, upon demand made by the Dutch they were restored. This was by direction from Sir Wm. Stapleton, who, 'tis probable, had as good dispositions to do justice to the French as to the Dutch. Concerning free negroes, *credat Judæus Apella*, but with respect to Mons. Auger, we will suppose all the free negroes in the French colonies were got together upon some very extraordinary occasion, I say then no injury is done to the French nor have they a right to demand them. But I allow a very barbarous injury is done to the negroes themselves, who without dispute shall be restored to their freedom, and suffered to dispose of themselves, and then, according to their inclinations they might stay amongst us or return to the French. The French pretend they could alledge several other reasons, but these they have produced are as good as those in reserve, 'tis credible, and an addition of pleas never strengthen a title. As to the point of property, that I suppose is very plain, and for the *plus forte* consideration which obliges the French in conscience to keep our negroes, that would be equally binding, though there were a particular treaty to the contrary, because no treaty can oblige men to act contrary to their consciences. Suppose, My Lords, five hundred or a thousand or ten thousand negroes should get off Barbados to Martineque and applying themselves to the Monks would undoubtedly admit them to baptism, and the negroes would of course be good Roman Catholicks, the French might then say, though they could not keep our negroes as slaves, yet they were obliged to protect them as men and Christians desiring to live as good Roman Catholicks, and who, if restored to the English, would not be allowed the practice of that religion. After this the negroes in pure gratitude might be persuaded to resign their freedom and become slaves to the French. Your Lordships see the ill consequences, which 'tis humbly hoped your Lordships' representation and the firmness of our Ministers will prevent. *Signed*, Chr. Codrington. *Endorsed*, Recd. Read July 10. 5 *pp. quarto*. [*Board of Trade*. Leeward Islands, 6, *No.* 32; *and* 45. *pp.* 379-382.]

July 10. Whitehall. **629.** Journal of Council of Trade and Plantations. Col. Codrington's answer about runaway negroes read. Consideration deferred till Mr. Cary's memorial on the subject be received.

Representation upon warlike stores for New York ordered.

Upon consideration of the new Trade Tariff between France and Holland, a letter to the Earl of Jersey ordered desiring copies of the other tariffs therein mentioned.

List of persons fit to fill up the Councils of the Leeward Islands ordered to be sent to Mr. Cary for his criticism.

July 11. Two letters to the Earl of Jersey relating to Trade Tariffs and Daniel Smith's imprisonment at Bermuda, signed and sent.

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July 13. Representations upon the New England Address about Appeals and about warlike stores for New York, signed and sent. [*Board of Trade.* Journal, 12. *pp.* 118-122; *and* 96. *Nos.* 107, 108, 110.]

July 10. **630.** Minutes of Council of Maryland in Assembly Regulation of Commissions of the Peace considered. Rober Mason, Treasurer of the Western Shore, sworn. Conference abou the bounds of lands held and the Bill approved. The Board concurred in the fine imposed on Col. William Peirce, High Sheriff of Cecil County.

The House was summoned to send members to treat with the Indians, lately residing with the Emperor of Piscataway, whose presence was announced.

July 11. Amerciaments assigned to the Clerk of the Council for drawing militia commissions.

Resolutions of the House granting Mrs. Mary Feilder £20 and selling the officers' tobacco for 6 shillings *per cwt.* sent up. The Indians attending said the Emperor of Piscataway knew of their coming: they intended to sit down among us and believed the Emperor intended to come in, for the Indians understood that a new Governor was come and they hoped for good news. Lt.-Col. Smallwood stated that these Indians were part of those whom Governor Nicholson obliged to live under the Emperor and that now 20 of the men were come in.

The Indians were told that those of them which were come in would be reputed friends, but those that refuse, enemies. They were to inform the Emperor that if he would come in with his Indians and sit down quietly, H.E. would ratify the articles of peace with them.

The Indians complained of their cornfield fences being pulled down, and that, when they killed any deer near an Englishman's land, the English threatened to beat them. Squire Tom, they said, was with the Emperor.

Col. Smallwood was ordered to go to George Jackson's store and buy a present for the two chiefest of the Indians. A message was sent to the House of Delegates that the intentions of the Piscataway Acwkid Indians were not clear, whether they would come in quietly or persist in their disturbances. A Committee was proposed to concert measures to prevent or deal with any such disturbance on the frontier that may arise during the recess.

The petition of Philip Lynes for payment of 52,109*lbs.* of tobacco said to be due to him, recommended to the House. [*Board of Trade.* Maryland, 11. *pp.* 154-158.]

July 10. **631.** Journal of House of Delegates of Maryland. Mrs. Vansweringen's petition praying an Act to pass to sell the land of Samuel Withers and John Lewellin, deceased, to pay their debts, referred for consideration.

Bills for transferring some officers' debts, and empowering Benjamin Williams to sell the land of his brother William, deceased, read a third time.

Resolved that the Committee of laws draw up an address to His Majesty praying the relief of several inhabitants from judgments due upon Navigation Bonds. Sentence of Col. Peirce sent up.

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The House acquiesced in the Board's opinion about the Chancery.

Mrs. Mary Fielder allowed £20 to transport herself and children back to England.

Major James Smallwood ordered to take care for the entertainment at the public expense of the Indians coming up to Annapolis.

Bill for ascertaining the bounds of land brought in.

Robert Mason allowed to buy arrears of taxes due from several public officers, on the Western Shore, at six shillings *per cwt.*, upon bond given.

The Committee of Grievances reported on Col. Wm. Peirce's account.

And see preceding abstract.

July 11. Bill for ascertaining the bounds of land read a third time and passed for engrossing.

Mr. John Hall of Baltimore County allowed to buy the arrears due from public officers of that County for £30 sterling, upon bond given.

Petition of inhabitants of Talbot County that the sheriff had made an undue election referred to the Committee of Elections. They reported that Thomas Greenfield was duly elected for Prince George's County. He was sworn a member; but the election and return of Nicholas Lowe, complained of, was not approved.

And see preceding abstract. [*Board of Trade.* Maryland, 15. *pp.* 419-427.]

July 10.
July 11. **632.** Minutes of General Assembly of Massachusetts Bay. Various Bills considered in Committee. Excise Bill passed to be engrossed. Bill for a tax upon polls and estates read twice and passed to be engrossed. Bill for Sheriffs to keep the gaols read twice and sent down. Conference held about a clause in the Bill for regulating proceedings in the Courts. Bill sent up for incorporating Harvard College read a first time. Bill for applying £1,000 out of the Poll Tax to the use of H.E., sent up, read twice and passed to be engrossed. Private Bill for docking an entail, passed with some alterations and sent down. Bill for the better keeping of the Public Records read a first time. Payment of £300, the L.G.'s salary for last year, and £200 to John Walley for services as Commissioner, agreed to by the Representatives and consented to by H.E.

July 12. Harvard College Bill read a second time and committed.

July 13. H.E. ill. Clause of limitation of trials in Bill regulating proceedings in Courts rejected. Amendments to Bill for incorporating Harvard College at Cambridge agreed to.

July 14. Five Bills signed by H.E. Bill for regulating Trade with the Eastern Indians twice read and passed with amendments to be engrossed. John Walley and Penn Townsend appointed Collectors of the Excise. James Taylor, the Treasurer's accounts, May 30, 1698—May 31, 1699, of £21,202 2*s.* 6*d.*, showing payment of £16,339 4*s.* 1*d.*, passed. Gratuity of £200 granted him. Bill for rebuilding the bridge over Charles River in Cambridge read the first time. Bill for a township within the County of Middlesex to be called Framingham referred till the Surveyor's plat be presented.

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James Davis granted Streight's Mouth Island and Thomas How of Marlborough licensed to purchase a parcel of land of an Indian.

July 15. Cambridge Bridge Bill read and debated. H.E. ill. [*Board of Trade.* New England, 48. *pp.* 313-319.]

July 11. **633.** Minutes of Council of Massachusetts. Resolved, to send a ship to Hispaniola to fetch Kidd's ship.

July 12. Robert Livingston and Duncan Campbell were examined about the embezzlement of the goods brought by Kidd.

July 14. H.E. nominated William Stoughton, Chief Justice, which was
July 17. agreed to, and the following were also appointed:—

Thomas Danforth Wait Winthrop Elisha Cooke Samuel Sewall	Justices of the Superior Court.
Elisha Hutchinson Isaac Addington John Foster Peter Sergeant	Justices of the Inferior Court of Common Pleas in the County of Suffolk.
James Russell John Phillips Joseph Lynde Samuel Heyman	Justices of the Inferior Court, County of Middlesex.
William Browne John Hathorne Jonathan Corwin Daniel Peirce	Justices of the Inferior Court, County of Essex.
Samuel Wheelwright Samuel Donnel William Peperel	Justices of the Inferior Court, County of York.
John Pynchon Samuel Partrigg Joseph Hawley Joseph Parsons	Justices of the Inferior Court, County of Hampshire.
William Bradford Nathaniel Thomas John Wadsworth Isaac Little	Justices of the Inferior Court, County of Plymouth.
Barnabas Lothrop John Thacher Stephen Skiffe Jonathan Sparrow	Justices of the Inferior Court, County of Barnstable.
John Saffin John Browne Thomas Leonard Nicholas Peck	Justices of the Inferior Court, County of Bristol.
Thomas Mayhew James Allen John Coffin	Justices of the Inferior Court, Duke's County.

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John Gardner James Coffin William Worth	Justices of the Inferior Court, Island of Nantucket.

H.E. nominated :—

Joseph Parsons	J.P. in the County of Hampshire.
Ebenezer Pomrey	Coroner, in the County of Hampshire.
Isaac Little William Brett	J.P.s, in the County of Plymouth.
James Warren	Sheriff, in the County of Plymouth.
Samuel Allen	Sheriff, in the County of Barnstable.
John Leverett	J.P., in the County of Middlesex.
Nathaniel Payne Ebenezer Brenton	J.P.s, in the County of Bristol.
Col. John Wainwright	J.P., in the County of Essex.

whom the Council accepted with the exception of Ebenezer Brenton.

July 17. H.E. proposed and it was agreed that all Members of the Council be Justices, and all former Justices continued. The Council did not consent to the re-appointment of Matthew Mayhew and Wm. Gear, two Justices of Inferior Courts.

Capt. Kidd was ordered to be taken from the prison-keeper's house to the store prison and there ironed, and company kept from him. [*Board of Trade.* New England, 49. *pp.* 223-227.]

July 11. **634.** Minutes of Council of Barbados. John Heywood granted £167 16*s.* 11¼*d.* for the Leeward fortifications. Rejoinder of James Hannay, executor of George Hannay, relating to the hardships in his custody as Provost Marshal Mr. Ralph Lane underwent, read. Mr. Lane ordered to have a copy. [*Board of Trade.* Barbados, 65. *p.* 433.]

July 12. **635.** Receipt from the master of the *Fortune* for a letter (June 26) to Lord Bellomont. *Signed,* Jon. Warry. *Endorsed,* Recd. from Mr. Bevis Hill. July 21, 1699. *Scrap.* [*Board of Trade.* New York, 8A. *No.* 36.]

July 12. **636.** Minutes of Council of New York. Petition of Tennis Gysbertson granted. [*Board of Trade.* New York, 72. *p.* 260.]

July 12. **637.** Minutes of Council of Maryland in Assembly. Mr. Grundy, Sheriff of Talbot County, having refused to execute a writ, Col. John Addison *v.* Edmondson's Executors, summoned and gave his reasons. The Great Seal was brought to H.E.

Bill to suppress any violence of Indians on the frontier during the recess ordered.

Message sent to the House proposing the maintenance of the minister of Annapolis parish by uniting the next adjacent parish to it. To this the House disagreed, but promised if necessary to make provision for a deserving minister some other way.

John West, Robert Grundy, Lt.-Col. Lowe and John Taylor were continued as Sheriffs of Somerset, Talbot, St. Mary's and Dorchester Counties respectively.

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Capt. Moreland reported that Mr. John Dent disavowed having made any bargain about the Cool Springs, and refused to acknowledge the conveyance thereof. Message sent down to the House that the Rangers lately raised for the security of the frontiers on Potomack were without provision. Were they to be continued, and if so, how provided?

July 13. The House desired a joint Committee to consider these questions. Some temporary Bills made perpetual were sent up. Three Acts: For the better administration of justice in the County Courts; for ascertaining damages upon protested Bills of Exchange; and Prohibiting Trade with the Indians for any flesh except deer and wildfowl—were read a first time and sent down to the House. They were then read, sent back, read again and returned to the House.

It pleasing Almighty God that a great clap of thunder and lightning fell upon the State house, the House of Delegates sitting therein, which splintered the flagstaff, strook down the vane, burnt the flag, and set the roof of the House in a flame of fire, striking through the upper rooms, shattering the doorpost and window frames, strook down and grievously wounded several of the Delegates, and more particularly Col. Hans Hanson, Lieut.-Col. Thomas Hicks, and Mr. George Ashman, and, passing through the upper room, where the Committee of Laws was sitting, strook dead Mr. James Cranford, one of the Delegates of Calvert County, to the great astonishment of all persons. But it so pleased God that by the active care and personal presence of H.E. the Governor the fire was quickly quenched, a shower of rain happening immediately thereupon, and the records preserved as also the house with little or no considerable damage. [*Board of Trade.* Maryland, 14. *pp.* 459-462.]

July 12. **638**. Journal of House of Delegates of Maryland. Mr. Grundy, sheriff, fined 2,000*lbs.* of tobacco for not giving due notice of the Election. Several Acts read a first time. (*See preceding abstract.*)

Payments ordered:—Mr. Charles Carroll 1,900*lbs.* of tobacco for his servants' work at the Town ditch; and Joseph Hill 1,140*lbs.* for the same.

Resolved that the Trustees for purchasing 50 acres of land at the Cool Springs lay out 50 acres most convenient thereto and value them by a Jury as provided by the Act of Assembly for that purpose.

July 13. Acts sent down read a second time.

Petition of William Dent for an allowance for attendance on H.E. and Council as Attorney General rejected.

The message about the Rangers (*see preceding abstract*) referred to the same joint Committee that was appointed to consider the Indian Affairs.

Bill for restraining the extortion of Sheriffs read a first time. (*And see preceding abstract.*)
[*Board of Trade.* Maryland, 15. *pp.* 427-432.]

July 13.
Whitehall. **639**. Council of Trade and Plantations to the Lords Justices. We propose that 100 soldiers' beds, 30 barrels of common powder, 20 barrels of fine powder and a suitable quantity of musket bullets should be forthwith sent to New York. But as to the

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cannon, mortars and bombs demanded, we respite our opinion until we receive a more particular account from Lord Bellomont about the state of the forts of that Province, which by the stay of the Engineer, Col. Romar, we hope he will be enabled to send us. *Signed*, Stamford, Lexington, Jno. Locke, Abr. Hill. [*Board of Trade*. New York, 53. *pp*. 307-309; *and* 44A. No. 30.]

July 13. Whitehall. **640**. Order of Lords Justices in Council. The Ordnance Office is to prepare an estimate of the stores of war proposed for New York. *Signed*, John Povey. *Endorsed*, Recd. July 19. Read July 26, 1699. ½ *p*. [*Board of Trade*. New York, 8A. *No*. 37; *and* 53. *p*. 309.]

July 13. **641**. Copy of the Presentment etc. of the Grand Jury about Mr. Randolph. The Grand Jury "at the Quarter Sessions held at the house of Anthony Penistons, Senr., at the Flats in Hamilton Tribe," presented a true bill against Edward Randolph as a barretor, libeller, and seditious disturber of the peace who has published such seditious and scandalous libels against the Governor as that he had never heard nor seen such unjust practices done in a civil Government by such Squires of Alsatia as have been done by Col. Goddard and His Excellency, Governor Day, who ought to be brought before the House of Commons to be made examples to terrify the rest, etc. Randolph found guilty and sentenced to pay fifty pounds and remain in prison till the fine was paid. [*Board of Trade*. Bermuda, 39. *pp*. 12-16.]

July 13. Whitehall. **642**. Order of Lords Justices in Council. The Commissioners of Trade are to tell Mr. Day to set Mr. Randolph at liberty immediately, and to take notice of the unwarrantableness of the Governor's proceeding in such manner as they think fit. *Signed*, John Povey. *Endorsed*, Recd. July 14. Read July 17, 1699. 1 *p*. [*Board of Trade*. Bermuda, 3. *No*. 44; *and* 29. *pp*. 181, 182.]

July 13. Whitehall. **643**. Order of Lords Justices in Council directing the despatch of the circular letter, July 6, for putting the Acts of Trade and Navigation in strict execution. *Signed*, John Povey. *Endorsed*, Recd. July 19. Read July 26, 1699. ¾ *p*. [*Board of Trade*. Plantations General, 5. *No*. 20; *and* 35. *p*. 62.]

July 13. **644**. Solicitor General to Council of Trade and Plantations. I have considered the Acts of Jamaica sent to me May 19, and have no objection to raise. *Signed*, Jo. Hawles. *Endorsed*, Recd. July 14. Read Feb. 8, 1699. 2 *pp*. [*Board of Trade*. Jamaica, 8. *No*. 126; *and* 56. *pp*. 346-349.]

July 13. Whitehall. **645**. Order of Lords Justices in Council, referring the representation of the Council of Trade and Plantations, upon the petition of Sir Stephen Evance (*July* 6) to the Attorney and Solicitor General. *Signed*, John Povey. *Endorsed*, Recd. July 19. Read July 26, 1699. [*Board of Trade*. Jamaica, 8. *No*. 127; *and* 56. *pp*. 349, 350.]

July 13. **646**. Council of Trade and Plantations to the Lords Justices. Upon the address of the L.G. and Council of Massachusets Bay

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(*see Cal. July* 16, 1698) relating to appeals, observing the evil tendency of the interpretation they put upon the clause in their charter, and how improbable it is that His Majesty should have intended thereby to exclude himself from all remedy against any unjust determination of the Courts of that Province in matters relating to his Customs and Revenue, which would infallibly be the consequence if no appeals were allowed in those matters under the value of £300, because many small vessels and cargoes are not really of that value, and it might be easy for illegal traders so to order their affairs that any single seizure should not amount to it, we represent, in concurrence with the opinion of the Attorney and Solicitor General, that in personal actions where the matter in question doth exceed the value of £300 an appeal of right ought to be allowed by the express words of the Charter; and upon any action or information upon seizure of ship or goods for trading contrary to law, when the value is either above or under £300, appeal does lie from the judgment of the Court of Judicature there in case His Majesty in Council, upon consideration of the time in which the appeal is desired after the judgment given in the Court of the said Province or other circumstances in the case, shall think fit to allow thereof, and that an allowance of such appeal, we conceive, will be no infringement of the Charter. We add, that in all cases where an appeal is desired from the judgment of the Courts of that Province, though it remain doubtful there whether such an appeal will be allowed by His Majesty or no, it seems absolutely necessary that the same proceedings be made and care taken about security as if the said appeal were actually admitted, otherwise it might frequently happen that notwithstanding any sentence which might here be pronounced, His Majesty would not there be able to recover anything. But lest this practice should at any time be abused by any officers of H.M. Customs by vexatious appeals or threats of appeals from just judgments, we offer that the Commissioners of H.M. Customs here may be directed to give strict charge to all their officers in these parts that they refrain from all such unwarrantable practices. *Signed*, Stamford, Lexington, John Locke, Abra. Hill. [*Board of Trade.* New England, 37. *pp.* 156-160.]

July 13. **647**. Receipt of John Tiler, Master of the *Hopewell*, for a letter to Lord Bellomont, June 26. *Endorsed*, Recd. from Mr. Bevis Hill, July 21, 1699. ¼ *p.* [*Board of Trade.* New England, 9. *No.* 63.]

July 13. Whitehall. **648**. Earl of Jersey to Council of Trade and Plantations, referring for report the petition of Peter Van Belle. *Signed*, Jersey. *Endorsed*, Recd. July 13. Read July 14, 1699. *Enclosed*,

648. I. Peter Vanbelle to the King. Having been made a free denizen (*fredenizé*) of Saint Christopher's and bought a plantation and made enquiries of the inhabitants as to how he could import slaves, the petitioner was told that the Governor would permit him, since there was no English ships at St. Thomas', to transport his slaves thence in other bottoms. This he did, but ten or twelve days after the Collector seized

all his slaves on the ground that they had been imported by foreign vessels and only released them on a security of £2,000. Meantime the Governor took back the permit he had granted. It is evident that the Governor acted in collusion, and Peter Vanbelle in all innocence and he therefore prays His Majesty's protection. *French. 3 large pp. beautifully written.* [*Board of Trade.* Leeward Islands, 6. *Nos.* 33, 33 I.; *and* 45. *pp.* 382-385.]

July 13. **649.** Richard Cary to Council of Trade and Plantations. About 18 years last past, Sir William Stapleton, Chief Governor of the Leeward Islands, made a demand of Comte de Blenat, Chief Governor of the French Islands, for some negroes belonging to the English that had run away some time before from Montserrat to Guadeloupe and were detained there by the French. The negroes were not returned to the English that ever I could hear of. *Signed,* Rd. Cary. *Endorsed,* Recd. July 13. Read Aug. 21, 1699. [*Board of Trade.* Leeward Islands, 6. *No.* 34; *and* 45. *p.* 397.]

July 14. Whitehall. **650.** Journal of Council of Trade and Plantations. Acts of Jamaica with Mr. Solicitor's opinion on them received.

Letter to the Treasury about the salaries etc. of this office signed.

Information about Peter Vanbelle's petition, concerning negroes seized at St. Christopher's, ordered to be desired of Mr. Sansom. [*Board of Trade.* Journal, 12. *pp.* 122-124; *and* 96. *No.* 111.]

July 14. Whitehall. **651.** Wm. Popple to John Sansom. The Council of Trade and Plantations send you a copy of the petition of Peter Van Belle and desire the favour of any information the Commissioners of Customs may have on the subject. [*Board of Trade.* Leeward Islands, 45. *p.* 386.]

July 14. **652.** Minutes of Council of Maryland in Assembly. The Board concurred with the House about the Indians and recommended the preparation of a Bill accordingly, and the reward of Col. Ninian Beale's services in the matter by an allowance of £100 or four negroes.

The sending for four or five small water engines and twenty leather buckets by the present shipping recommended to the House to prevent any accident of fire. The House concurred.

July 15. Bills, for empowering vestries to assess for furnishing and repairing churches, and for restraining extortion of Sheriffs read a first time with an amendment assented to by the House.

Bill for regulating appeals and writs of error read and passed with some alterations assented to by the House.

The House assented to three negroes being bestowed upon Col. Beale.

Petition of Lieut. Col. Smithson, Public Treasurer of the Eastern Shore, praying allowance of some money he paid the Hon. Col. Charles Hutchins for the country's account, allowed.

Major Dorsey's petition referred to the House of Delegates.

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Bills, for staying executions after April 10, yearly, empowering the Commissioners of the County Courts, and for the speedy conveying of public letters, sent up and read a first time.

An address of thanks to the Governor presented and replied to. Bill for settling an annual revenue upon the Governor sent up and read. The Governor acknowledged the additional 3*d.* in his revenue.

Bills, concerning the height of fences, for marking highways and making the heads of creeks and rivers navigable, sent up the first time and amendment proposed. Bill for empowering the Commissioners to levy moneys to defray the necessary charges of their counties read the first time.

The House agreed to part of the amendments proposed to the Bill for Highways, but not to the rest. The Board concurred with the House.

Joint Committee appointed to consider the building of a public prison. [*Board of Trade.* Maryland, 14. *pp.* 463-468.]

July 14.

653. Journal of House of Delegates of Maryland. Several Bills read the first time. Amerciaments in the County Courts assigned to defray County charges. Act for 3*d.* per hogshead for the Governor's use revived, with clause inserted that the payer may pay it in money of England or Bills of Exchange.

Committee for Indian affairs reported that: Seven more men should be added to the Rangers now out; Col. Ninian Beale to be their Commander in Chief; 1,000*lbs.* of biscuit and six cwt. of pork to be provided for them and the price deducted from their wages. The Rangers should be free from levies and paid half a crown a day; and six foot-soldiers quartered for strengthening the frontier plantations be allowed 1*s.* 6*d.* per day. If they do not range day by day but be seen straggling about the Plantations they should loose their day's pay, with further punishment. James Frisby, Col. John Thompson and one of the Burgesses of Baltimore County should be sent to the Susquehannah Indians to see if they will ratify the league already made with them and enter into further articles. If the Piscataway Indians do not come in and settle amongst us before the return of the messengers from the Susquehannah Indians, the Governor, Council and Committee should take such measures as seem proper to them. Governor Nicholson of Virginia should be made acquainted with their proceedings. The officers of the Militia should be instructed to exercise their men frequently and be in readiness at an hour's warning. The House concurred with the opinion of the Committee and sent it up.

Bill for appointing Judges of *Nisi Prius* read a first time. Resolved, that an imposition should be laid on Irish servants. Resolved, that a Bill be prepared for laying an imposition on all negroes and Irish servants imported, to be applied to the public charge.

The Act against divulgers of false news rejected.

Bill for imposing a duty of 3*d.* per gallon on all imported rum, wine and brandy, ordered.

Act for encouraging tillage rejected; that against the importation of convicts and felons made perpetual. Resolved, that the Act against the importation of wool and old iron, and two excise Acts expire.

A Bill for the Reformation of Jeophiles (*Jeffails*) read a second time and committed for amendment.

Mr. Lynes' petition returned to him at his request.

Bills restraining the extortion of sheriffs and empowering vestrymen etc., read a second time. Bill restraining the frequent assembling of negroes read a second time but did not pass, and was afterwards rejected. Bill for regulating appeals etc., read a second time.

Philip Briscoe declared duly elected for Charles County. He took the oaths appointed and subscribed the Test and Association.

July 15. Col. Ninian Beale given leave to look after the provisions for the Rangers. Bill concerning the Indian Affair ordered.

Bills for empowering Commissioners of County Courts etc., for staying executions etc., for the conveyance of public letters, and for amerciaments in the provincial and County Courts read the first and second time. Major Thomas Smithson's account allowed. Warrant for issuing a Writ of election for Calvert County ordered.

The House presented an address to the Governor for staying prosecution on Navigation Bonds and inviting him to join with them in an address to the King for the remission of penalties.

Bills prohibiting the carrying of liquors to the Indian towns, for the height of fences, and settling a revenue on the Governor read twice and sent up.

Five Bills sent down were amended and passed for engrossing.

The Governor sent a copy of a letter he had written to the Lords of the Council of Trade on the subject of the Navigation Bonds, and promised his further assistance, but it would not become him to join in any address.

Bill for settling a revenue upon the Governor passed.

Bills for killing wolves, and publishing marriages read the first time. (*And see preceding abstract.*) [*Board of Trade.* Maryland, 15. *pp.* 432-444.]

July 17. Whitehall. **654.** Journal of Council of Trade and Plantations. Order of Council about the imprisonment of Mr. Randolph read. Letter

July 18. to Mr. Day in pursuance thereof ordered and signed.

Letter from the Deputy Governor and Council of Antego, May 26, read.

Councillors for the Leeward Islands determined upon, and Col. Codrington's Instructions ordered to be written out.

July 19. The state of the Government of Bermuda was considered.

July 20. Proposals of the Proprietors of East New Jersey considered. Copy ordered to be sent to Mr. Blathwayt for his thoughts thereon.

Representation upon Col. Codrington's Instructions signed and sent with them to the Council Board.

Representation upon the Government of Bermuda signed and sent to the Council Board.

Copy of the letter from the Board to Mr. Day about Mr. Randolph's imprisonment sent, as desired, to Mr. Sansom. [*Board of Trade.* 12. *pp.* 124-128; *and* 96. *Nos.* 112-115.]

July 17. **655.** Minutes of Council of Maryland in Assembly. Message to the House about the many irregular and undecent marriages contracted in the Province. The House desired that the Attorney General might draw a Bill thereon.

Bill for killing wolves read a first time. Bill to empower purchasers of subscriptions to the Free School to recover the same read the first time and amended. These Bills sent down, returned, read the second time and passed.

July 18. Bills sent up, read for the first time and passed: for the speedy recovery of small debts; for a gratuity to Col. Beale; Rectifying the ill-practice of Attorneys; for settling Assemblies and Provincial Courts at the Port of Annapolis; for assuring 500 acres of land to Henry Wallice.

Bill for raising a supply for the Public Levies read a first time and amended.

Lt. Col. Smithson swore to his Public Treasurer's account.

Considering "how unserviceable and irregular the militia of this province stands" the Governor proposed the alteration of the law of three barrels of corn at the expiration of each male servant's time. In lieu thereof, or some part thereof, let every master be obliged to give him a good musket of 20*s.* price.

Nineteen Bills, engrossed, were sent up, read, assented to and returned. [*Board of Trade.* Maryland, 14. *pp.* 468-471.]

July 17. **656.** Journal of House of Delegates of Maryland. Bill for killing wolves read the second time. Bill for the publication of marriages read the second time and rejected. Major Dorsey's petitions for the remission of his fine rejected. Mrs. Hanna Clark's petition granted. Bill to empower the purchasers of the subscriptions to the Free School to recover the same read the second time. Bill for appointing Judges of *Nisi Prius* read the second time and rejected. Bill for assurance of land in Kent County to Henry Wallice read the first time. The message relating to the passing an Act for regulating marriages referred to the Committee of Laws. Bill ordered to be prepared to invest the 3*d.* per hogshead in the present Governor since his accession.

The Committee of Privileges reported that James Philips was duly elected a Delegate for Baltimore County, who took the oaths accordingly. Bills for a gratuity to Col. Ninian Beale; for supply; for limiting the time of writs of error and appeals; for settling Assemblies and Provincial Courts at the Port of Annapolis; for rectifying the ill-practices of Attorneys and settling the Attorney General's fee, and for speedy justice for small debts, read the first time. Bill for the publication of marriages read the first time and rejected. It was resolved that no limitation should be put to the bringing of appeals or writs of error. *And see preceding abstract.*

July 18. Five bills read a second time and sent up. (*See preceding abstract.*) Bill for recovering the fines due from the public officers read the first time. The Joint Committee for building a prison ordered to consider also the building of the Church. Nineteen bills read a third time, and sent up, and returned up with some proposals for amendments, which were accordingly made.

Allowance made to the Attorney General.

Bill for taking special bail in the several counties read the first time.

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Bills for regulating ordinaries and the members of them, and for securing the frontiers from incursions of Indians, read twice.

Bill for recovering fines read the second time.

And see preceding abstract.

[*Board of Trade.* Maryland, 15. *pp.* 444-450.]

July 17. **657.** Minutes of General Assembly of Massachusetts Bay. Bill for trade with the Indians passed and signed. Bill for the bridge at Cambridge passed to be engrossed.

July 18. Four bills signed by H.E., who objected to a clause in the Bill for incorporating Harvard College, "that none should be President, Vice-President or Fellow but such as should declare themselves and continue to be in matters of religion such as are known by the name of Congregational or Presbyterian." The Board refused to pass the Bill without that clause, and the House were acquainted that H.E. could not consent to the Bill with it and that he rather advised to address his Majesty for a Royal Charter of Incorporation.

Mr. Walley, Commissioner for War's Account passed. £50 gratuity to the Rev. Increase Mather, President of Harvard College, 1698, granted. £30 each paid to the Hon. Col. John Phillips, and Major James Converse for negotiating with the Indians. £40 allowed to Capt. Ephraim Savage, one of the Committee for Debentures. £8 paid to John White, Clerk of the House of Representatives, and £15 to James Maxwell for waiting upon the Governor and Assembly. £10 allowed to Capt. Timothy Phillips, £3 to Sergt. Jacob Luffkin, £2 to Joseph Soper wounded in 1697. £10 paid for doctor's fees and funeral charges of a garrison soldier, Samuel Proctor. Resolved, that the powder money paid by vessels arriving in the Province be kept for a supply of stores of war. £15 allowed the town of Wells for maintenance of a minister, and £12 to Samuel Moody, preacher, of York. [*Board of Trade.* New England, 48. *pp.* 320-324.]

July 18.
Whitehall. **658.** Council of Trade and Plantations to Governor Day. We enclose a copy of an Order of Council of 13th inst. by which you will in some measure perceive what has been the effect of your proceedings with Mr. Randolph. We were exceedingly surprised at the reading of your letter, May 18, to find such an unexampled presumption. Mr. Randolph being Surveyor General of H.M. Customs in America, a place of great difficulty and great importance, was sent by the Commissioners of Customs on purpose to inspect all H.M. Colonies in those parts, and particularly desired by us on all occasions to give us an account of whatever might be proper for our knowledge in order to H.M. service, by which expression he could not doubt but amongst other things the state of the Governments through which he passed was in some sort implied. He has written accordingly without that any noise or disturbance has arisen, but it seems that when he came to Bermuda you thought yourself concerned to search into his doings, and having got copies of some of his letters and found matters in them not pleasing to you, caused him to be imprisoned. You could not well have contrived anything more prejudicial to yourself in weakening your credit. The unwarrantableness of these proceedings, their illegality and the prejudice that may arise to H.M. service obliged us to

represent the matter to the Lords Justices, and we require your obedience to their order. *Signed*, Stamford, Lexington, Ph. Meadows, Jno. Locke, Abr. Hill. [*Board of Trade.* Bermuda, 29. *pp.* 183-185.]

July 18. **659.** Lists of names out of which the respective Councils in the Leeward Islands were filled. Various lists, drawn up by Col. Codrington, Mr. Cary, Mr. Weaver, and Mr. Vernon, with observations on the various choices by Mr. Cary and Mr. Weaver. Finally, the names agreed upon by the Council:—*Nevis.* Col. Francis Collingwood, Lt.-Gen.; Saml. Gardner, Mich. Smith, Jno. Smergin, Ed. Parsons, Azariah Pinney, James Bevon, Wm. Butler, Wm. Ling, Walter Hamilton, and William Mead.

Michael Smith is noted as "of ordinary capacity and government and of small estate" (W.); John Smergin, as of good sense honesty and estate" (W.); Edward Parsons "of good sense and repute". (W.); Bevon "of good estate and reputation" (W.); Gardner "late L.G." (W.); Pinney "Treasurer, of good sense, reputation and estate" (W.); Butler "of great estate, good sense and repute" (W.); Ling, "Ditto; Speaker of the Assembly"; Hamilton "of good estate and repute; most knowing in military affairs" (W.); Mead "Commissioner of the Customs, of great estate" (W.) The following names occur in the various lists:—Walter Symonds (dead), Daniel Smith, Wm. Burt, Richard Abbot, Thomas Thynn, John Palmer, and Hen. Holt (who have all left the island). Capt. Phil. Broom, Agent for the Royal African Co. marked xx. Jac.(obite?) Col. Charles Pym (dead), and John Cole, according to Weaver "of considerable estate, sense and knowledge of the law" but according to Cary "the worst character in the island, as I am told by all people."

Antigoa.—Col. Francis Collingwood, Lt. General; John Yeamans. Rowland Williams, Francis Carlisle, John Fry, senr., John Hamilton, Edward Byam (Treasurer), Samuel Martin, Thomas Duncomb, Edward Parsons, John Corbet and James Thynne. *Generally described as* "of good estate, sense and repute." *Other names suggested:* John Otto Bayer, a Dutchman; John Tankard, Hen. Pearn, John Fry, jun., Henry Lyons, Philemon Bird, Edward Walrond, Richard Lightfoot, John Lucas, John Roe, John Vernon, William Thomas, Isaac Horsford and Richard Oliver, "honest men of small estates" (C.), and George Gamble, present Speaker, and Nathaniel Sampson, described as "factious, troublesome fellows" (C).

Montserrat.—Col. Thomas De La Val, Lt. Gov.; Col. Francis Collingwood, Lt. Gen.; Edward Parsons, William Fox, Anthony Hodges, junr., Thomas Lee, Richard Clayton (non-resident), John Irish, William Fry, John Scott and James Thynn. *Generally described as* "of good sense, honesty and repute": Thomas Lee, "of good estate, a Dutchman, not much conversant in business" (W.). *Other names suggested:* Anthony Hodges, senior (dead), John Davis (dead), Edward Buncomb (marked xxxm.) and Joseph Little.

St. Christopher's.—Capt. James Norton, Lt. Gov.; Col. Francis Collingwood, Lt. Gen.; John MacArthur, "well-beloved, a

Scotchman," Edward Parsons, John Estridge, Michael Lambert, "of good sense and estate raised by being employed in not the fairest matters" (W.), Henry Burrell, "formerly clerk, now lieut. of a company of foot" (W.), William Willett, Samuel Crook, John Garnett, William Mead and Stephen Paine. *Other names suggested*: Joseph Crispe, "of great estate and sense, but not the best character" (W.), John Perrie, "most infamous, yet made Provost Marshall, Commissioner of Prizes, Deputy Auditor of the King's accounts of all the Islands, whereby he has got great riches. He drew ale a few years ago" (W.), Roger Elrington. *Endorsed*, July 18, 1699. 1 *large p. in* 12 *columns*. [*Board of Trade*. Leeward Islands, 6. *No*. 35 ; *and* 45. *p*. 388.]

July 18. **660**. Journal of Assembly of Barbados. The House met and fined Miles Toppin, Thomas Sadleir, William Fortescue, Enoch Gritton, William Dolton, members who were absent. [*Board of Trade*. Barbados, 65. *p*. 418.]

July 19. **661**. Minutes of General Assembly of Massachusetts Bay. James Taylor, Treasurer, took the oath. John Walley, late Commissioner of Excise, allowed some abatements and empowered to recover certain other sums. Committee of Claims for wages etc. for H.M. service, appointed. William Payne, Commissioner of Impost, allowed £18 13*s*. 2*d*. for quarter's salary, books and rent of office. Ebenezer Prout, former Clerk of the House, allowed £6 as remainder of salary due. £4 annuity granted to Jeremiah Bumstead, a wounded soldier. Arrear due allowed to a gunner's widow, Elizabeth Hopley. Josiah Parker, of Cambridge, allowed £6 for ransom of his kinsman Phineas Parker from the Eastern Indians, and £3 12*s*. allowed to Stephen Holden, of Groton, for the ransom of himself and son, prisoners of the Indians, for a year and ten months. Orders about settling a line for the precincts to the
July 20. two Meeting Houses in Watertown sent down and agreed to. £500 besides the remainder of the Naval Stores allowed Sir Henry Ashhurst, Bart., Agent of the Province. £10 allowed Joseph Hasting, of Reading, who lost an eye from a wound received in H.M. service, 1690. £15 13*s*. funeral charges allowed for Nathaniel Holmes, killed by the breaking of a great gun on Castle Island. Allowance to Nathaniel Oliver for leakage of wines imported rejected. Counterfeit Bills formerly allowed were now charged to account. The Assemby was prorogued to Oct. 11th. [*Board of Trade*. New England, 48. *pp*. 324-330.]

July 19. St. John's. **662**. Minutes of Council and Assembly of Antigua. The Assembly announced that they would not consent to any act for further billetting the soldiers, who, if obliged to work in the country, would keep in better health and get a very competent subsistence. They proposed to continue the allowance made to those soldiers not capable of getting such livelihood and to pay £80 to the officers.

The Assembly proposed a supplementary Act to that of the Militia, providing that no person of any rank or station whatever be exempted from appearing in the Militia and doubling the fines for default, to which the Deputy Governor and Council agreed.

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The Governor signed payments to Major Martin for guns and flints and to Justice Duncombe for the cisterns of Monkhill. The Council agreed with the proposal of the Assembly that the prison should be paved and fitted and the Court House secured against a storm. The payment of £80 to the officers was assented to and the Assembly was adjourned.

John Benson was granted a parcel of land adjacent to the land by Blubber Bay near Bermudian Valley. [*Board of Trade.* Leeward Islands, 64. *pp.* 315-318.]

July 19. July 20. **663.** Minutes of Council of Massachusetts Bay. John Cutler of Charlestown, anchor-smith, examined for abusing Sir Henry Ashhurst. Several Justices took the oath. [*Board of Trade.* New England, 49. *pp.* 227, 228.]

July 19. **664.** Minutes of Council of Maryland in Assembly. Bills for regulating ordinaries, securing the frontiers, and recovering fees passed and sent down. Petition of Col. Smithson to draw the platt to the Law for ascertaining bounds recommended to the House. Bill for regulating ordinaries, sent up amended as proposed, was passed and returned. Eight other bills assented to.

Instructions by Mr. Attorney General for the Clerks of Indictment sent to the House for their perusal.

The House announced the completion of their review of the Laws, proposing a Bill for the repeal of those laws which were considered not desirable.

July 20. Bill concerning marriages again recommended but "if anything therein seem uneasy to persons intending marriage or if anything bearing too hard on the people called Quakers, in regard they are found a civil, quiet people, this Board are content to regulate the same as shall be advised; but hold it highly necessary to take some care to restrain the extravagant growth of Popery, now more audacious than has been known since His Majesty's Government."

Bill for summoning juries rejected on account of the fines not being saved to the King. "It is not without observation that in all the Bills that has been presented this Sessions, those fines and forfeitures that were formerly to His Majesty's use are now applied to particular uses of the country, which nevertheless for the good of the country and preserving that union begun, has been past here, but we cannot but recommend you to consider this for the future."

Bills for punishment of blasphemy, fornication, adultery and profane swearing and cursing, prohibiting carrying liquors to the Indian Towns, and for payment of fees due from criminals read and sent down to the House.

Message from the House read explaining that the Bill for publication of marriages was rejected because the former law was perpetual and deemed sufficient. A favourable construction was begged on the appropriation of fines, misapplied through misunderstanding, and caution was promised in that matter for the future.

Bill of directions for the sheriff's office read, and amendment proposed.

Bill for preventing vexatious and unnecessary suits at law read and passed.

Bill for taking special bail read the first time and passed.

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Bill for tonnage and ascertaining Naval Officers' fees read and rejected.

Bills for the punishment of privateers and pirates, for the constables taking the list of taxables, for the enrollment of conveyances, for recording the Laws and Journals, for the encouragement of such persons as will undertake to build water-mills, for securing parochial libraries, read, passed and sent to the House.

Bill to secure merchants and others tobacco after received read and passed with amendment. [*Board of Trade.* Maryland, 14. *pp.* 471-475.]

July 19. **665**. Journal of House of Delegates of Maryland. Bill for taking special bail read the second time and committed for amendment. Three Bills read a first time, and seven bills read the third time were sent up. Lieut. Col. Thomas Smithson's petition was granted.

Major William Whittington, reported duly elected for Somerset County, was sworn a member.

List of continued laws sent up.

Bills for regulating the proceedings of the Provincial Courts and for punishing blasphemy etc. read the first time.

Rules for the Clerks of the Indictments, sent down, referred to a Committee for inspection.

Committee for building a prison delivered their report.

And see preceding abstract.

July 20. Four Bills read a second time and sent up. Bill for Sheriffs read the first time. Various Bills read first and second time. *See preceding abstract.* Bills for settling officers' fees, regulating the Militia, for the administration of Justice in probate of wills, read the first time. [*Board of Trade.* Maryland, 15. *pp.* 452-456.]

July 20.
Custom House, London.

666. Mr. Sansom to Mr. Popple. With reference to the petition of Peter Van Bell, the Commissioners of Customs are advised by Mr. Mead, one of the Commissioners and also Collector of the 4½ per cent. at Nevis, that the 28th Sept. he made seizure of 50 negro slaves at St. Christopher's, 41 of which were imported there by a Danish sloop from the island of St. Thomas, belonging to the King of Denmark; that he had taken good security for them till a trial could be had which would not be until a new General should arrive. By letter of May 16, he advised them that the trial would not be absolutely determined until the 18th of that month; though the opinion of the Court was so far known, that they would be condemned; that the claimer prayed liberty of an appeal for England, which could not be allowed; that the proprietor, one Mr. Peter Van Bell, then resident at St. Thomas, was resolved to use his interest in England, to reverse the judgment, which he prayed the Commissioners to oppose; and that this transaction very much alarmed the interloping traders at St. Christopher's. On the 19th he further advises them, that the security for the negroes having delayed the delivery of them, and in some manner refusing, the Court thought not fit to pass judgment until they were delivered; and the better to oblige the security, he had requested a Special Court to put the bond in suit, which was then under consideration. The ground of this forfeiture and prosecution is supposed to be upon the first clause of the Act of Navigation, wherein it is provided that no goods or commodities whatsoever shall be imported into or exported out of any of His Majesty's Plantations, but in English or Plantation shipping, and manned as in the said Act is directed. And the Commissioners are informed that it is a ruled case in the Plantations that negroes are accompted goods within the meaning of the said Act. But as to any permission or countenance given by the Governor for importing the said slaves, or any practice or collusion between the Governor and the said Mr. Mead, as is suggested in the petition, the Commissioners are not otherwise informed than by the said suggestion. *Signed*, Jno. Sansom. *Endorsed*, Recd. July 20. Read July 25, 1699. 2 *pp.* [*Board of Trade.* Leeward Islands, 6. *No.* 36; *and* 45. *pp.* 390-392.]

July 20. Barbados. **667.** Governor Grey to Council of Trade and Plantations. In accordance with instructions I send you the naval office accounts of all vessels trading to and from this island from Dec. 25, 1697, to March 25 last. The death of two of the commissioner's clerks caused delay in sending them. On the 1st of this month His Majesty's ship the *Speedwell*, Captain Jedidiah Barker, Commander, sailed out of Carlisle Bay by my order in search of a Madagascar ship that passed by the bay the day before and had plied here for several hours without the reach of the fort, and, having set on shore one who upon examination owned to have been with Kidd the Pirate, gave good grounds to suspect the said ship to be a pirate or an unfair trader. Capt. Barker on the 2nd sent his boat ashore to St. Lucea to inquire if any such ship had been there: hearing nothing of her went to Dominico, where they anchored the third, and ridd there, wooding and watering their ship till the 7th, then, having no intelligence of her there, they weighed and stood over for Martinico, and sent their boat ashore to inquire if any such ship had been amongst them. They had heard nothing of her. They were informed by an Irish gentleman that had been at the Golden Island with the Scots that they had had a pitched battle with the Spaniards upon the main and had routed them, and upon his coming away they had about 25 sail of ships lay before Carthagena and blocked up the Spanish ships that were in the harbour, and that the Scots were daily fortifying themselves there.

On the 7th, in the evening, the *Speedwell* made sail and plied up between Dominico and Martinico, and on the 13th arrived again in Carlisle Bay. When the *Speedwell* was out upon her cruise there past by this place a vessel that chaced two small brigantines and fired with shot at one of them, and, by the examination of the several masters upon oath in Council, she could be supposed to be nothing but a Pirate, and as I have been informed she had on board her to the value of £300,000 in gold, ambergreese, elephants' teeth, and rich altasses (*silk-satin*). I ordered a brigantine with all speed to be manned and fitted out and sent them to inquire after her and bring in hither, but they could not get sight of her. I the rather send your Lordships this account to convince you

1699.

how great a prejudice it may be to His Majesty's interest if this Island have not two frigates continually to attend here.

Signed, R. Grey. *Endorsed*, Recd. Sept. 20. Read Oct. 9, 1699. 2 *large pp.* [*Board of Trade.* Barbados, 8. *No.* 19; *and* 44A. *pp.* 339-341.]

July 20. Whitehall. **668.** Council of Trade and Plantations to the Lords Justices. We find great reason to believe that Governor Day has been guilty of divers irregularities and direct breaches of H.M. Instructions, as well by making alterations in the Council without giving us any account or reason, as by arbitrary and illegal imprisonments of other persons besides Mr. Randolph, particularly of Col. Anthony White, and admitting no bail for him but that of his son-in-law, John Dickenson, whom he would otherwise have sent to England to complain. But not having any positive proof upon oath, by reason, as is suggested, that Day hath forbid the J.P.'s to receive any depositions without his previous consent, we think it may be expedient, considering the past great and now growing disorders of those islands, that directions be speedily given to proper persons to take depositions of the matters of fact relating thereto. We therefore propose that Mr. Day and the Council be required immediately to commissionate Edward Randolph, Col. Anthony White, and Edward Jones, now hastening thither to be Secretary and Provost Marshall, to be Justices of the Peace, that they may receive depositions on oath, and that they or any one of them be accordingly directed to receive such depositions and transmit them hither with their report on the whole matter. And that Mr. Day be strictly charged not to use any illegal or indirect practices whereby to hinder Dickenson or any other persons from repairing to England in order to the clearing up the truth of these things. *Signed*, Stamford, Lexington, Ph. Meadows, Jno. Locke, Abr. Hill. [*Board of Trade.* Bermuda, 29. *pp.* 185-187.]

July 20. **669.** Minutes of Council of New York. Carsten Luerse and Hendrick Vanderheul, mariners, who had brought some goods from Kidd's sloop, examined. They said that they delivered part to Justice White and Doctor Cooper at Oyster Bay, and put part on shore in Connecticut. The sheriff of Queen's County, Nassau Island, ordered to seize the first, and bring it to New York; the mariners with a promise of indemnity despatched to Connecticut for the second. White and Cooper summoned to appear.

Several Justices of Albany present at Mr. Dellius' house at the examination of the Indians appeared and were suspended. The Chiefs of the Maquaes gave thanks for the restoration of their land; and presented a belt of wampum twelve deep; and requested that an Indian infant might be baptized. A present to them ordered.

On the petition of Barendt Coeyman, execution against him suspended till the Justices of the Peace of Albany report on his case. Some goods brought from Canada were condemned, but the value ordered to be delivered to the owners to pay their expenses, for which purpose they had brought them.

Payment ordered to David Schuyler for the repair of Albany Fort. [*Board of Trade.* New York, 72. *pp.* 260-263.]

1699.
July 21.
Whitehall.

670. Council of Trade and Plantations to the Lords Justices. We enclose draughts of Col. Codrington's instructions and a copy of another particular draught of instructions, prepared some while since for the Governors of Plantations in pursuance of several Laws relating to Trade and Navigation, for his direction. *Signed,* Stamford, Lexington, Ph. Meadows, Jno. Locke, Abr. Hill. [*Board of Trade.* Leeward Islands, 45. *p.* 389.]

July 21.
Skinner's Hall.

671. William Thornburgh to William Popple. I send you a sample of our Carolina Rice, that the Council of Trade may see what a staple the Province may be capable of furnishing Europe withal. The grocers assure me it's better than any foreign rice. We expect Capt. Man daily from Carolina. On his arrival their Lordships shall have a sample of pitch and tar and a particular account of the supply thereof. *Signed,* Wm. Thornburgh. *Endorsed,* Recd. July 21. Read July 25, 1699. ¾ *p.* [*Board of Trade.* Proprieties, 3. *No.* 25.]

July 21.
Newport.

672. Gov. Cranston to the Council of Trade and Plantations. We have received your letter of May 3. We are not a little surprised at the proceeding of Francis Brinley in his groundless petition. He says he had no notice and did not appear as defendant, but there are extant near 20 articles he sent to the Court in bar to action. Some time before he actually appeared in Court. He had 10 days according to the law of the colony before execution was granted to enter a rehearing, which he neglected, not owning the Court's jurisdiction. For us to admit of a trial 4 years after execution was granted was contrary to law. There was never any appeal desired by Brinley of this Government; neither was there any other person ever denied an appeal to His Majesty. But we believe in the case of small actions like this, which does not exceed £20, it will be a great prejudice to the poor subject to be liable to be appealed against. We beg you to state what value appeals shall be granted upon. We hear from Lord Bellomont of his Commission to enquire into the alleged irregularities here, which we take as a most bountiful favour, that we can have liberty to answer for ourselves, and clear ourselves of any artful or irregular action. We acknowledge receipt of instructions about Capt. Kidd and a Naval Officer. We have none but collectors here. *Signed,* Samuel Cranston. *Endorsed,* Recd. Sept. 29. Read Oct. 3, 1699. 3 *pp.* [*Board of Trade.* Proprieties, 4. *No.* 9 ; *and* 26. *pp.* 105-111.]

July 21.

673. Minutes of Council of Maryland in Assembly. Bills for limiting officers' fees, for the administration of Justice in Probate of Wills, read and passed. Bill for punishing privateers amended and passed. Seven Bills assented to and returned to the House. Bill for regulating the Militia amended. A Bill, for the benefit of the King's subjects where the laws of this Province are defective, rejected as repugnant to the laws of England. Bill for speedy trials of criminals read and passed. Eight Bills assented to and sent to the House. Bills, relating to servants and slaves, and imposing a fine on Major Dorsey and the Sheriffs of Cecil and Talbot Counties, read and passed with amendment.

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Upon enquiry, the House was informed that the fund for building the Church was lodged in the late Governor's hands.

Public Thanksgiving appointed on Aug. 17 that the State House was not burned.

The Governor remarked upon the omission, in the revising of the laws, of that dealing with the reporters of false news. The House replied that the law because of its great latitude made it very liable to be abused. They pressed for its repeal, which was assented to. The Catalogue of the Laws was brought up and a message from the House proposing to present £250 to the Governor, but not till the Fall.

On consideration of the Catalogue of Laws, the Board proposed to the House to make an exception, to the Act in favour of the natives, in the case of Mr. Robert Fenley, who had constantly attended his Majesty's service in Ireland and Flanders from the beginning to the end of the late wars and come here with his Excellency, as also Mr. Robert Blakiston, that they might by some public ordinance or otherwise be allowed to hold any employment they should be found capable of. The proposal of the House to apply all the money in the Bank to defray the public levy was discountenanced, in the present uncertainty of the Indian designs, and it was advised that £800 should be kept for any emergency.

The Journal of the Committee of Accounts was brought up.

July 22. The House assented to the Board's proposal of an exception to the Act for the encouragement of learning and advancement of the natives, but insisted upon applying the money in hand to defray the public levy; as for a fund, "a fund is never lacking so long as we have willing hearts." The Board, after commenting upon the House's refusal of almost all their proposals, especially of the Bill for marriages, agreed, on condition that the money proposed for H.E. should be paid immediately and that power should be left with the Governor and Council to raise money or tobacco in case of any emergency.

The Governor acknowledged the present proposed to him by the House and drew attention to his poor accommodation at Annapolis, not equal to that of a Common Constable in England, "besides the slender conveniences of life are not to be had but at much dearer rates than elsewhere. I never was yet in the meanest of His Majesty's Governments abroad but there is a house always provided for his Governor. If you advise my stay here, I hope you will in some measure support it."

Bill for ascertaining the laws of this Province read. Bill for appointing persons to treat with workmen for building a Church at Annapolis read and amended.

Resolve of the House, that Capt. Richard Hill should with all convenient speed build a Prison, assented to.

The Governor recommended a yearly allowance to the Hon. William Blathwayt, Auditor General of the Plantations, but the House begged to be excused. The Board was informed that the House agreed to pay the Governor's present immediately. They considered that power was already given to the Governor, by the Acts for regulating the Militia and securing the frontiers, to raise money and concert measures in an emergency. The Board replied

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that they assented, if the House would declare on their Journal that the Committee appointed in the latter Act, with the Governor and Council, might have power on emergency to draw out money from the Public Treasury and that the Treasurer should answer the same if in their hands. With this the House concurred.

An allowance to the Transcriber of the Laws was recommended and £120 agreed to. The Board proposed that the House should appoint some person near at hand to draw orders on the Treasurers for money granted this session. Capt. Richard Hill, Samuel Young and John Worthington and Major John Hammond were appointed.

Seven Bills were sent up and assented to. A Bill for the payment of the Public Levy was read, sent down, and assented to by the House and Board. It was advised that the Assembly be prorogued from three months to three months and that at present they be prorogued till the last Tuesday in October next. The Board assented to the ordinance about Mr. Fenley and Mr. Blakiston.

The Governor acquainted the House through the Attorney General that he intended to finish this Session. The House attended and presented the Bills passed during the Session, which the Governor enacted. Then the Assembly was prorogued until Oct. 28. [*Board of Trade.* Maryland, 14. *pp.* 475–490.]

July 21. **674**. Journal of House of Delegates of Maryland. Bill for levying a fine on Major Dorsey read the first time. Bills for settling officers' fees, and for the administration of Justice etc. read the second time. Resolved that the Clerk of the Council and the Clerk of the House of Delegates should have for fee of every private bill 100 *lbs.* of tobacco each. Ten Bills sent up. Resolved that every man servant after the expiration of his servitude should be allowed one good gun.

The Committee of Elections reported an undue management of an election in St. Mary's County, which they desired might be further enquired into the next General Assembly.

Six bills read a third time and sent up. Bills for levying fines on Major Dorsey and for servants and slaves read a second time. Put to the vote if the clause for the cutting off the nose or ears of negroes shall be left out or not, and carried in the affirmative.

Bill for ascertaining the laws of this Province read a first time. (*And see preceding abstract.*)

July 22. Two Bills read a second time and sent up. Three Bills read the third time and assented to.

The House replied to the Governor's complaints about his accommodations :—

The scarcity of provisions is general, everyone having much ado to provide for himself. The province has been but lately received into His Majesty's immediate protection and therefore may be excused if not so well provided with a house for a governor as those who from the beginning were so. It was referred to H.E.'s own discretion to live at Annapolis or elsewhere.

Seven Bills read a third time and assented to.

A Bill for the payment of the public charges of the province read three times and assented to.

1699.

Address to the King about Navigation Bonds delivered to Mr. Michael Miller, who undertook to have it presented to His Majesty.

Address of humble thanks to the King for sending Nathaniel Blakiston as Governor, drawn up, and signed; Thomas Smithson, Speaker; Tho. Tench, Charles Hutchins, John Addison, John Courts, Tho. Brook, James Frisby, Robert Smith, John Hamond, Tho. Tasker, Francis Jenkins. The House was prorogued till Oct. 28. (*And see preceding abstract.*) [*Board of Trade.* Maryland, 15. *pp.* 457-477.]

July 22.
Boston.

675. Governor the Earl of Bellomont to the Council of Trade and Plantations. A fit of the gout that seized me on the sea prevented my sending two letters which I had almost finished. In one of these I expressed my humble acknowledgement of your commendation of my poor services. In the last ship that went hence to London I writ five several letters to your Lordships; I hope you will excuse their length, but I am forced to be my own secretary and have not time nor health for to write foul drafts and so contract the matter. The letter which bears date April 17, though it be long, will not, I presume be unwelcome, because I demonstrate therein that England can be best supplied with naval stores from New York. I find upon discourse with Mr. Bridger, the purveyor, who is now here, that at the dear rates he pays for labour in N. Hampshire, the stores will cost very near ⅔ parts more than they will be afforded according to my scheme. I have not writ about it to the Lords of the Admiralty or Commissioners of the Navy, for I have had no encouragement to hold a correspondence with those Boards. Several papers relating to Five Nations of Indians I designed for your Lordships by this conveyance, but could not get them fairly transcribed. In the meantime I can tell you, the French Governor, M. de Calliere, having lately set at liberty those Indians of ours he had prisoners at Montreal, it has put our Five Nations into good humour; several Sachems, to the number of forty or fifty men were lately at Albany, were much made of and went home very well pleased and declared they would not think of going over to the French. To please 'em and keep 'em steddy to us, I sent 'em word I hoped to prevail with the King to order a Fort to be built in the Onnondages' country, where a garrison should be kept to cover 'em from the inroads of the French garrison of Cadaracque Fort (which is a great terror and disturbance to them), and they have laid hold on my promise and desired I will perform with them; but I would not have them know the small capacity I am in of doing it; for without money 'tis impossible to build forts.

There are about 30 pirates come lately into the east end of Nassau Island and have a great deal of money with them, but so cherished are they by the inhabitants that not a man of them is taken up. Several of them, I hear, came with Shelley from Madagascar. Mr. Hackshaw, one of the marchands in London that petitioned against me, is one of the owners of Shelley's ship, and Mr. de Lancey, a Frenchman at New York, is another. I hear, too, that Capt. Kidd dropped some pirates in that island. They write from New York that Arabian gold is in great plenty there, and, indeed, till there be a good Judge or two and an honest, active

Attorney General to prosecute for the King, all my labour to suppress piracy will signify even just nothing. When Fred. Phillips's ship and the other two come from Madagascar, which are expected every day, N. York will abound with gold. 'Tis the most beneficial trade, that to Madagascar with the pirates, that ever was heard of, and I believe there's more got that way than by turning pirates and robbing. I am told this Shelley sold rum, which cost but 2*s*. per gallon at N. York, for 50*s*. and £3 per gallon at Madagascar, and a pipe of Madeira wine, which cost him £19 at N. York he sold there for £300. Strong liquors and gunpowder and ball are the commodities that go off there to best advantage, and those four ships last summer carried thither great quantities of those things. I enclose copies of my letters to the Lords of the Treasury, Oct. 27, '98 and Nov. 14, '98, which were omitted from my letter of May 15. There goes with this conveyance my letter which bears date May 13, which my indisposition hindered me from finishing. I send six moneths' minutes of Council and the transcripts of laws enacted this last Session of Assembly of N. York. The Act which breaks some of Fletcher's extravagant grants of land has much enraged the grantees against me, but I little value that. Mr. Dellius is gone to England to complain and try to hinder the King's approving that Act which breaks his and some few other grants. The angry people of N. York have made a purse of £500 for him and those of Albany £200, not that he had need of it, for by his penury, he has got a good deal of money of his own. He has carried home, I mean to England, certificates of his piety and good life under the hands of the angry people, and I am told there are counter-certificates signing by the Leslie party with four times the number of hands to 'em. If a great lyar, incendiary and proud person make up the character of piety, then Mr. Dellius may pass for a Saint. I told you what impudent lies he told me in the face of all the magistrates, when I sent you the conferences I had with the Mohack Indians at Albany. I since sent my L.G.'s certificate along with my letter of Ap. 13. to show how wickedly Dellius went about to divide my L.G. from me, and make him join with himself and party against me. The first Sunday after my going to Albany some of the honest Dutch, that accompanied me from N. York, complained to me that he prayed not for the King. I reproved him and his excuse was it was Sacrament day and not customary on those days to pray for anybody in the Dutch Churches. I could not believe him then, nor do I yet; but it was a blundering, lying excuse, like the man that made it. He was one day endeavouring to suborn Henry, a Christian preaching Indian, to swear against two or three of the magistrates at Albany that are not in his favour. The Indian told 'em, and cried out with horror and amazement, Good God, what does Mr. Dellius mean by teaching us to lie and yet pretend to save our souls? This happened last summer. Dellius has now carried over with him a certificate under the hands of four Justices of the Peace at Albany of a confession made by Henry and some other Christian Indians; but the other magistrates hearing of it, about a dousin of them examined them. Enclosed. My L.G. cited Dellius and those Indians to appear before himself and the Council

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at N. York, but he absconded to the Jarzies and embarked for England. His hopes are to stir up the Classis of Divines at Amsterdam and those that reside in London to take his part. Then he thinks he has a fine friend of the Bishop of London, by the means of Col. Fletcher, and I hear Mr. Vesey, the English Minister at N. York, has writ large encomiums of him to the Bishop. My L.G. writes to me that Vesey has left me out of his prayers as Governor and prays for Dellius by name, both in the Common Prayer and afterwards in the pulpit. This is such an insolence as I must desire your Lordships will join with me to have this man deprived; for it cannot be thought I will ever go to Church while that fellow continues minister there. What is personal to myself I can forgive, but for him to pray publicly for Dellius and his return to his flock, when he stands deprived by the Act of Assembly, is such an arraignment of the Justice of the Province, that there's an end of Government if such an insolence be suffered to pass unpunished. To show how strangely disingenuous this man's carriage has been to me, he sent me word by Mr. Graham, that the angry party led him such a life for preaching peace, charity and reconciliation, though he himself meddled not with parties, that he should be forced to quit the town. Vesey confessed to my L.G. that he had obligations to Col. Fletcher, yet he could not but own he was an ill man, and gave the following reason. After I had superseded Col. Fletcher, he went and read prayers at his house, praying for him as a private person, and leaving out the titles of Governor. Upon which Fletcher, with great passion, bade him begone out of his house and never come near him more, for he would have no more to say to him or his prayers. Vesey's father lives near this town, and is a most violent Jacobite. The indictment, for he was tried and sentenced to stand in the pillory for uttering desperate words against His Majesty, is worth your Lordships' reading. I desire your Lordships will prevail with my Lord of London to send over a good moderate Divine of the Church of England to supply the cure of N. York in the room of Mr. Vesey, for I take the honour of the Government to be concerned in the displacing of that man. If he be not turned out, and Dellius kept out, so as that the Act of Assembly be maintained at home, there will be no business for me at N. York, nor indeed for any honest Governor; for the people there being so headstrong and tumultuous already, how much more will they be so, if their party receive countenance from the Government in England?

If your Lordships mean I shall go on to break the rest of the extravagant grants of land by Col. Fletcher or other Governors, by Act of Assembly, I shall stand in need of a peremptory order from the King so to do, which will animate the House of Representatives, that sometimes have not courage to go through with a business of that kind, unless they see they shall be supported by the Government of England. The Lords Justices' letter of Nov. 10 last is with me, a sufficient authority to proceed, but I know that orders renewed from Court are more forcible with the people I have to deal with. If I may not proceed, I shall become a humble petitioner that the Act for breaking Dellius' two grants etc. may be rejected, for I should reckon it a great injustice to break some grants and spare others no less extravagant. Col. Peter Schuyler, Mr. Ranslear, Mr. Livingston, Col. Beeckman, Frederick Phillips and his son Adolphus, Col. Courtlandt and Col. Smith have vast tracts not less than 20 miles square. Col. Courtlandt has two of those great grants; Col. Smith's runs fifty miles in length on Nassau Island, and there is an infinite number of goodly pines for pitch, tar and rozin as M. Bernon assures me. He has got besides the beach for 40 miles together, having arbitrarily and by strong hand, being supported by Col. Fletcher and being Chief Justice of the Province, a place of great awe as well as authority, forced the inhabitants of Southampton to take a poor £10 for the greatest part of the said beach, which is not a valuable consideration in law, for Col. Smith himself owned to me that that beach was very profitable to him for whale fishing and that one year he cleared £500 by whales taken there. I confess I cannot have a good opinion of Col. Smith: he knows what pressing orders I have to suppress piracy, and if he were honest and did his duty, there would not a pirate dare to show his head in the East End of Nassau Island. He is so seated towards that end of the island that he could disturb and seize them as he pleased, and yet that end is at present their rendezvous and sanctuary. Col. Smith is under a double obligation, being both Chief Justice and Judge of the Admiralty Court.

By one of the Acts now sent there is a present of £1,500, N. York money, made to me and £500 to my L.G. The house of Representatives would have presented me with £2,000, but I refused so great a sum, because none of the Governors before me had above £1,500. I hope your Lordships will procure the King's leave and that as soon as conveniently may be. The House sent up a Bill for settling a dissenting Ministry in that Province, but it being contrary to H.M. instructions, and besides having been credibly informed that some of those ministers do hold strange erroneous opinions in matters of faith and doctrines, I rejected it. I must entreat you to recommend Mr. George Tollet to His Majesty to be Secretary of the Province in the room of Mr. Clarkson, the present Secretary, who is so very weak a man and uncapable of business, that he never was thought fit to be of H.M. Council. I have forbore all this time in pure charity, but I am so tired out with business and he so perfectly useless to me, that I must again request you to let me have the assistance of a man of sense and business. Everybody knows that a Secretary of a Province ought to sit in Council, and that he ought to be very honest as well as able, and being so qualified he is, as it were, the Governor's right hand. I believe Mr. Tollet is known to most of your Lordships. He was Secretary to the Commissioners of accounts and they valued him as a jewel, he is an excellent Mathematician and no man in England a readier accountant; he is a very honest man, very judicious and of great application in business. I am not certain he will come over, but if he will, I know no man more capable of serving the King. He would canvass the accounts of the Province from time to time, and now that there will be lands to be distributed, he would survey 'em nicely well. If Mr. Tollet will accept the Secretary's place, I hope you will give him all reasonable encouragement, I mean £200 or £300 to be procured for him from the Treasury to pay for his Commission and bear his charges to N. York. All the while I was at N. York, I was perpetually in business from five in the morning to ten at night (except dining time) and that which gave me the greatest trouble was the answering letters from the English and French Governors, which I was by every post or by ships obliged to do, and that with my own hand, for I had nobody to help me. There are three Lieutenancies now vacant in the four companies at N. York. I do not, as others have done, prefer my valet de chambre and servants to these posts, but I am sending to England to get an able master-gunner or two for the forts at York and Albany and a good surveyor put into those posts.

I am next Thursday to go to N. Hampshire, to take that government upon me, where I propose staying about three weeks, and will, if my health will allow it, visit the very utmost bounds of the King's territory to the east, adjoining upon Accadie, which the French have unfortunately got from the Crown, thanks to good King Charles I. 'Tis called St. George's River, and lies about 25 leagues eastward of Piscataqua. At my return hither I shall make but a week's stay and then go to Rhode Island, to enquire into misdemeanours alleged to have been committed by the Government there. *Signed*, Bellomont. Since my leaving York, Mr. Clarkson, the present Secretary, struck Mr. Parmiter, the Naval Officer, a blow in the face just by my L.G.'s chamber door within H.M. house and fort, which is no less an insolence than if he had struck him within Whitehall. *Holograph. Endorsed*, Recd. Sept. 20. Read Jan. 5, $\frac{1699}{1700}$. 7¼ *pp. Annexed*,

675. I. Abstract of above. 2 *pp.*

675. II. Duplicate of preceding letter. 8¼ *pp.* (*with abstract*). *Rotten with salt water. Enclosed*,

675. III. Copy of Lord Bellomont's letter to the Treasury, Oct. 27, 1698. Mr. Clements, who was to have come with me as my Secretary, disappointed me at the last moment, and now I am forced to make one general letter. Mr. Weaver will lay before you my letter of Oct. 21. 1 *p. Endorsed*, Recd. Sept. 20, 1699.

675. IV. Copy of Lord Bellomont's letter to the Treasury, Nov. 14, 1698. I am forced to make one set of letters serve for your Lordships and the rest of the Ministers. Refers to his letters Nov. 7th and 8th, 1698. 1 *p. Endorsed as preceding.*

675. V. Examination of Hendrick and other Christian Maquaes Indians as to his conversation with Mr. Dellius on his leaving Albany. 5½ *pp. Same endorsement.*

675. VI. Duplicate of preceding. 4½ *pp. torn.*

675. VII. Copy of the indictment of William Vesey, Minister of New York, Boston, Ap. 27, 1697, for saying that King James was his Royal Prince and he did not know how this King came to the Crown. Fined £10 and sentenced to stand in the pillory in the market place in Boston for one hour. 2 *pp. Same endorsement.*

675. VIII. Memorandum of Minutes of Council of New York, Oct 4—Dec. 14, '98. ½ *page.*

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675. IX. Memorandum of Minutes of Council of New York, Jan. 5—March 31, 1699. ½ *page*.

675. X. Memorandum of Acts of Assembly of New York, March 2—May 16, 1699. ½ *p.* [*Board of Trade.* New York, 8A. *Nos.* 38, 38 I.-X.; *and* 53. *pp.* 441-464 (*with enclosures* III. *and* IV.); *and* (*abstract of letter with some marginal comments*), 45. *pp.* 55-59.]

July 22. **676.** Minutes of Council and Assembly of Nevis. The Assembly asked for a writ for a new election for the North West division, which was granted. The Assembly refused to decide to continue the billeting of the soldiers till they were a full house.

July 24. On being invited to continue the soldiers in their quarters, the Assembly replied that they would not consent to do so, until the Acts they had begun were finished and those made March 25, 1699, were renewed, published, transcribed and sent to England, and the public accounts settled by a Committee.

It was agreed to ship 12 hhds. of sugar to pay Mr. Cary, the Agent for the Island. A Joint Committee was appointed to draw up the Act for billeting soldiers and what Acts may be necessary, and to adjust the public accounts. [*Board of Trade.* Leeward Islands, 64. *pp.* 501-504.]

July 24. Charles Town. **677.** Governor Blake to Mr. Secretary Vernon. I issued a proclamation in obedience to H.M. commands conveyed in your letter that none should assist the Scotch. In obedience to H.M. commands, I have offered Capt. Harris all his effects which came into my hands, and that if the Marshall of the Admiralty did embezzle any of his goods, if he bring an action, I will see that justice is done. By a vessel that came to anchor off this bar yesterday I have advice that the Scotch settlement is broken up, and that he spoke with one of their ships homeward bound that gave him this account. They are almost all dead by sickness and want of provisions, having had no supplies since their first settlement. *Signed*, Joseph Blake. [*America and West Indies.* South Carolina, 620. *No.* 2.]

July 25. **678.** Minutes of Council of Massachusetts Bay. Provisions for the Castle, for Fort Mary at Saco and the *Province* galley ordered. Household plate returned to Kidd's wife, and wearing apparel to him and his company. Samuel Wood, Master of the sloop that imported Kidd and Company, discharged. Charles Seymour and John Power, detained to witness against Bradish, discharged. Ordered that the Attorney General enquire into the escape of Bradish and Witherly, and prosecute Caleb Ray, who is removed from the precincts of the gaol. Government of Harvard College continued in the gentlemen of the late Corporation till further orders. Several Justices and Commissioners took the oath. H.E. announced his going to New Hampshire on July 27. [*Board of Trade.* New England, 49. *pp.* 228-230.]

July 25. Whitehall. **679.** Journal of Council of Trade and Plantations. Letter from Mr. Thornburgh with a sample of Carolina rice laid before the Board.

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Laws of Bermuda ordered to be sent to the Attorney General for his opinion.

Letter from Mr. Addington, Boston, May 5, read and papers enclosed laid before the Board. Acts of Massachusets Bay therein mentioned ordered to be sent to the Solicitor General.

Mr. Sansom's letter about Vanbelle's petition read. Representation ordered.

July 26. Order of Council (July 13) upon a draft of a circular letter to the Governors of Plantations read.

Order of Council upon Sir Stephen Evance's petition read.

Order of Council about stores of war for New York read.

July 27. Two Orders of Council, May 25, and June 29, relating to Pennsylvania read. Affairs of that Province considered. Letter to Mr. Randolph ordered, and signed. Representation upon Peter Van Belle's petition signed.

Affairs of Pennsylvania considered. [*Board of Trade.* Journal, 12. *pp.* 128-134; *and* 96. *Nos.* 116-118.]

July 26. Boston. **680.** Governor the Earl of Bellomont to the Council of Trade and Plantations. I shall confine myself to an account of my proceedings with Capt. Kidd. On June 13th Mr. Emot, a lawyer of New York, came late at night to me and told me he came from Capt. Kidd who was on the coast with a sloop, but would not tell me where; that Kidd had brought 60 lbs. weight of gold, about one hundred weight of silver and 17 bales of East Indian goods (which was less by 24 bales than we have since got in the sloop); that Kidd had left behind him a great ship near the coast of Hispaniola, that nobody but himself could find out, on board whereof there were in bale goods, salt-petre and other things to the value of at least £300,000; that if I would give him a pardon, he would bring in the sloop and goods hither, and would go and fetch the great ship's goods afterwards. Mr. Emot delivered me that night two French passes which Kidd took on board the two Moors' ships, which were taken by him in the seas of India, or as he alleges by his men against his will. One of the passes wants a date in the original as in the copy I send. On Thursday, June 15, I sent Mr. Campbel, the Postmaster of this town, Kidd's countryman and acquaintance, along with Mr. Emot, to invite Kidd to come into this Port. Mr. Campbel returned June 19 and gave in a Memorial to myself and the Council, containing what had passed between him and Kidd. On June 19 as I sate in Council I wrote a letter to Capt. Kidd and shewed it to the Council, and they approving of it, I dispatched Mr. Campbel again to Kidd with my letter. The promise I make Capt. Kidd in my letter of a kind reception and procuring the king's pardon is conditional, that is, provided he were as innocent as he pretended to be, but I quickly found sufficient cause to suspect him very guilty, by the many lies and contradictions he told me. I was so much upon my guard with Kidd that, he arriving here on Saturday the 8th of this month, I would not see him but before witnesses; nor have I ever seen him since but in Council twice or thrice that we examined him, and the day he was taken up by the Constable, it happened to be by the door of my lodging and he rushed in and came running to me, the Constable after him. I had him not seized till Thursday, July 6th, for I had a mind to discover where he left the great ship, and I thought myself secure enough from his running away, because I took care not to give him the least umbrage of my design of seizing him, nor had I till that day (that I produced my orders from Court for apprehending Kidd) communicated them to anybody, and I found it necessary to shew my orders to the Council to animate them to join heartily with me in securing Kidd and examining his affair nicely, to discover what we could of his behaviour in his whole voyage. Another reason why I took him not up sooner was that he had brought his wife and children hither in the sloop with him, whom I believed he would not easily forsake. He being examined twice or thrice by me and the Council and also some of his men, I observed he seemed much disturbed, and the last time we examined him I fancied he looked as if he were upon the wing and resolved to run away, and the gentlemen of the Council had some of them the same thought with mine, so that I took their consent in seizing and committing him, but the officers appointed to seize his men were so careless as to let 3 or 4 of his men escape, which troubled me the more because they were old New York pirates. The next thing the Council and I did was to appoint a Committee of trusty persons to search for the goods and treasures brought by Kidd and to secure what they should find till the King's pleasure should be known as to the disposition thereof, as my orders from Mr. Secretary Vernon import. The Committee were made up of two gentlemen of the Council, two marchands and the Deputy Collector, whose names are to the enclosed inventory of the goods and treasurer. They searched Kidd's lodging and found hid and made up in two seabeds a bag of gold dust and ingots of the value of about £1,000, and a bag of silver, part money and part pieces and piggs of silver, value as set down in the inventory. In the above bag of gold were several little bags of gold; all particulars I believe are very justly and exactly set down in the inventory. For my part I have meddled with no manner of thing, but put everything under the management of the Council and into the custody of the Committee, that I might be free from the suspicion and censure of the world. The enamelled box mentioned in the beginning of the inventory is that which Kidd made a present of to my wife by Mr. Campbell, which I delivered in Council to the Committee to keep with the the rest of the treasure. There was in it a stone ring, which we take to be a Bristol stone; if it were true it would be worth about £40, and there was a small stone unset, which we believe is also counterfeit, and a sort of a locket with four sparks which seem to be right diamonds; for there's nobody here that understands jewels. If the box and all that is in it were right, they cannot be worth above £60. You will see in the middle of the inventory a parcel of treasure and jewels delivered by Mr. Gardiner of Gardiner's Island in the province of N. York and at the east end of Nassau Island, the recovering of which treasure is owing to my own care and quickness. I heard by the greatest accident in the world the day Capt. Kidd was committed that a man had offered £30 for a sloop to carry him to Gardiner's Island, and Kidd having owned he had buried some gold on that island (tho' he never mentioned to us any jewels, nor, I believe, would he have owned the gold there but that he thought he should himself be sent for it), I presently reflected that that man, whom I have since discovered to be one of Kidd's men, was to defeat us of that treasure. I privately posted away a messenger by land with a peremptory order to Mr. Gardiner in the King's name to come forthwith and deliver up such treasure as Kidd or any of his crew had lodged with him, acquainting him that I had committed Kidd to gaol as I was ordered to do by the King. My messenger made great haste and was with Gardiner before anybody, and Gardiner who is a very substantial man brought away the treasure without delay, and by my direction delivered it into the hands of the Committee. If the jewels be right, as 'tis supposed they are, but I never saw them nor the gold and silver brought by Gardiner, then we guess that the parcel brought by him may be worth £4,500; and besides Kidd had left six bales of goods with him, one of which was twice as big as any of the rest, and Kidd gave him a particular charge of that bale and told him it was worth £2,000. The six bales Gardiner could not bring, but I have ordered him to send 'em by a sloop that is since gone from hence to New York, and is to return speedily. We are not able to get an exact value on the goods and treasure we have got, because we have not opened the bales we took on board the sloop, but we hope when the six bales are sent in by Gardiner, what will be in the hands of the gentlemen appointed to that trust will amount to about £14,000. I have sent strict orders to my L. G. at New York to make diligent search for the goods and treasure sent by Kidd to N. York in three sloops mentioned in Gardiner's affidavit, and I believe I have directed him where to find a purchase in a house in N. York, which by a hint I have had I am apt to believe will be found out in that house. I have sent to search elsewhere a certain place strongly suspected to have received another depositum of gold from Kidd. I am also upon the hunt after two or three arch pirates, which I hope to give you a good account of by next conveyance. If I could have but a good able Judge and Attorney General at York, a man-of-war there and another here and the Companies recruited and well paid, I will rout pirates aud piracy entirely out of all this north part of America. But as I have but too often told you, 'tis impossible for me to do all this in my single person.

I wrote you on the 8th that Bradish and one of his crew were escaped out of the gaol of this town. We have since found that the gaoler was Bradish's kinsman, and the gaoler confessed that they went out of the prison door, and that he found it wide open. We had all the reason in the world to believe the gaoler was consenting to the escape. By much ado I could get the Council to resent the gaoler's behaviour, but by mere importunity I had the fellow before us. We examined him, and by his own story and accounts given us of his suffering other prisoners formerly to escape, I prevailed to have him turned out and a prosecution ordered against him to the Attorney General. I have also with some difficulty this late session of Assembly here got a Bill to pass that the gaol be committed to the care of the High Sheriff of the County, as in England, with a salary of £30 per ann. I would have had it £50, for the sheriff's encouragement to be honest and careful, but could not prevail. I am forced to allow the sheriff 40*s.* per week for keeping Kidd safe. Otherwise I should be in some doubt about him. He has without doubt a great deal of gold, which is apt to tempt men that have not principles of honour. I have, therefore, to try the power of iron against gold, put him into irons that weigh 16*lbs.* I thought it moderate enough, for I remember poor Dr. Oates had a hundredweight of iron on him when he was a prisoner in the late reign. There never was a greater liar or thief in the world than this Kidd. Notwithstanding he assured the Council and me every time we examined him that the great ship and her cargo waited his return to bring her hither, you will see by two informations of masters of ships from Curaçao that the cargo has been sold there, and in one of them, 'tis said, they have burnt that noble ship, and without doubt 'twas by Kidd's orders, that the ship might not be an evidence against him, for he would not own to us her name was the *Quidah Merchant,* though his men did. Andries Henlyne and two more brought the first news to York of the sale of that cargo at Curaçao, and never such pennyworths heard of for cheapness. Capt. Evertz is he who has brought the news of the ship's being burnt. She was of about 500 ton, and Kidd told us at Council never was a stronger or stauncher ship seen. His lying had like to have involved me in a contract that would have been very chargeable and to no manner of purpose, as he has ordered matters. I was advised by the Council to dispatch a ship of good countenance to go and fetch away that ship and cargo. I had agreed for a ship of 300 ton, 22 guns, and I was to man her with 60 men to force (if there had been need) the men to yield, who were left with the ship. I was just going to seal the writing, when I bethought myself 'twere best to press Kidd once more to tell me the truth. I therefore sent to him two gentlemen of the Council to the gaol, and he at last owned that he had left a power with one Mr. Henry Bolton, a marchand of Antegoa, whom he had committed the care of the ship to, to sell and dispose of all the cargo. Upon which confession I held my hand from hiring that great ship, which would have cost £1,700 by computation. To-morrow I send the sloop Kidd came in with letters to the L.G. of Antegoa, the Governors of St. Thomas' Island and Curaçao to seize and receive what effects they can that was late in the possession of Kidd and on board the *Quidah Merchant.* There is one Burt, an Englishman that lives at St. Thomas' who has got a great store of the goods and money for Kidd's account. St. Thomas' belongs to the Danes, but I hope to retrieve what Burt has in his hands. The sending this sloop will cost but about £300, if she be out 3 months. I hope your Lordships will take care that immediate orders be sent to Antegoa to secure Bolton, who must have played the knave egregiously, for he could not but know that Kidd came knavishly by that ship and goods. 'Tis reported that the Dutch of Curaçoa have loaded 3 sloops with those goods and sent them to Holland. Perhaps 'twere not amiss to send and watch their arrival in Holland, if it be practicable to lay claim to 'em there. Since my commitment of Kidd I hear that upon his approach to this port, his heart misgave him, and he proposed to his men the putting to sea again and going to Caledonia.

the new Scotch settlement, but they refused. I desire I may have orders what to do with Kidd and all his and Bradish's crew, for as the law stands in this country, if a pirate were convict, yet he cannot suffer death. The Council here refused the Bill to punish privateers and pirates, which your Lordships sent with me from England. I shall by next conveyance acquaint you what a prejudice I have found in some of the Council to the Laws of England this Session, but having writ myself almost dead, I must till another opportunity forbear to treat of the affairs of this province. When I do, I will not dissemble with you to favour any man. I am both above it, and I should think I did not do the part of an honest man, if I concealed anything from you that tends to the prejudice of the interest of England. You will observe by some of the informations I now send, that Kidd did not only rob the two Moors' ships, but also a Portuguese ship, which he denied absolutely to the Council and me. I send papers relating to him. 'Tis impossible for me to make remarks on the several matters contained therein, in the weak condition I am in at present, but must leave that trouble to Mr. Secretary Popple, whose excellent clear method in business fits him incomparably beyond me for such a work. *Signed*, Bellomont. *Endorsed*, Recd. Sept. 20. Read Sept. 26, 1699. *Holograph.* .5 *pp.* *Enclosed*,

680. I. Abstract of preceding letter. 2 *pp.*

680. II. Copy of a French pass taken by Kidd on board the Moorish ship the *Rouparelle*. *Same endorsement.*

680. III. Copy of a French pass, Jan. 14, 1698, taken by Kid on board the Moorish ship the Cara Merchant. *Same endorsement.*

680. IV. Duncan Campbell of Boston to Lord Bellomont. I went in a sloop with James Emott on June 17th and about three leagues from Block Island met a sloop commanded by Capt. Kidd with 16 men on board. Kidd desired me to acquaint your Excellency that he had brought a ship of about 500 tuns from Madagascar, which some considerable time since he had met with in——and commanded her to bring to. Thereupon the pilot, a Frenchman, came on board and told Kidd he was welcome and the ship a lawful prize, she sailing under a French pass, whereupon he took the ship. Afterwards, understanding that she belonged to the Moors, Kidd would have delivered her up again, but his men violently fell upon him and thrust him into his cabin, saying the ship was a fair prize, and then carried her into Madagascar and rifled her of what they pleased. But before they got there the galley under his command became so leaky that she would scarce keep above water, whereupon her company having taken out her guns and some other things and put them on board the prize, set the galley on fire. Several of his company moved Kidd to take the *Moco* frigate that lay ready fitted at a place not far distant in the possession of certain privateers, and to go in her to the Red Sea. Kidd said that if they would join with him he

would attempt it, supposing the ship a lawful prize, as formerly belonging to the King of England, but would not afterwards go with them to the Red Sea. Whereupon 90 of his men deserted him, took the ship and sailed on the said design, obliging one Capt. Culliver, the then commander of her, to go along with them. Kidd then thought it his best way to preserve the ship then in his possession for his employers or the proper owners. With the few men, about 20, he had left, and some he procured at Madagascar, he intended to bring her to Boston, according to his orders, but touching in his way at St. Thomas's and other places in the West Indies, he heard that great complaint was preferred against him, and he proclaimed a pirate, which occasioned him to sail to a place called Mona, near Hispaniola, whence he sent to Curasso and bought the sloop on which he is now, taking out of the said ship to the value of 8 or £10,000 in goods, gold and plate, for which gold and plate he traded at Madagascar, and was produced by the sale of sundry goods and stores that he took out of the *Adventure* galley. He has left the ship near Mona in the custody of about 6 men of his own company and 18 others that he got from Curasso, the merchant of whom he bought the sloop being entrusted therewith, unto which hath promised to return in three months, he resolving to come into Boston or New York to deliver up unto your Excellency what goods and treasure he hath on board, and to pray your assistance to enable him to bring the ship thence, she being disabled for want of furniture. But by reason of what his men had heard in the West Indies of their being proclaimed pirates, they would not consent to Kidd's coming into any port without some assurance from your Excellency that they should not be imprisoned or molested. He protested he had not done anything contrary to his commission and orders, more than what he was necessitated unto by being overpowered by his men that deserted him, who evil entreated him several times for his not joining with them. And all the men on board the sloop solemnly protested their innocence. Kidd also said that if you should so direct, he would carry the ship to England, there to render an account of his proceedings. *Signed*, Duncan Campbell. *Same endorsement.* 1½ *pp.* Boston, June 19, 1699.

680. v. Copy of Lord Bellomont's letter to Capt. Kidd, inviting him to come into Boston, June 19, 1699. *Same endorsement.* 1¼ *pp.*

680. vi. Copy of Capt. Kidd's letter to Lord Bellomont. Block Island Road, on board the sloop St. Antonio, June 24, 1699. I thank you for your letter of the 19th. I cannot but blame myself for not writing to your Lordship before, knowing it was my duty, but the

clamours and false stories that has been reported of me made me fearful of writing or coming into any harbour till I could hear from you. Ninety-five men went away from me in one day and went on board the *Moca*, Capt. Robt. Cullifur, who went away to the Red Seas and committed several acts of piracy as I am informed, and am afraid, the men formerly belonging to my galley, that the report is gone home against me to the East India Company that I have been the actor. A sheet of paper will not contain what may be said of the care I took to preserve the owners' interest and to come home to clear my own innocency. I do further declare and protest I did never in the least act contrary to the King's Commission nor to the reputation of my honourable owners, and doubt not but I shall be able to make my innocency appear, or else I had no need to come to these parts. There is 5 or 6 passengers that come from Madagascar to assist me in bringing the ship home, and about 10 of my own men that come with me would not venture to go into Boston till Mr. Campbell had engaged body for body for them that they should not be molested while I stayed at Boston or till I return with the ship. I doubt not but you will write to England in my favour and for those few men that are left, and wish you would persuade Mr. Campbell to take your letters home, who will be able to give account of our affairs. *Signed*, Wm. Kidd. *Same endorsement.* 1½ *pp.*

680. VII. Lord Bellomont to Mr. Gardiner. I have secured Capt. Kidd in gaol. I require you in His Majesty's name immediately to bring to me the parcel of gold and other parcels he left with you. Boston, July 8, 1699. *Signed*, Bellomont. *Same endorsement. Copy.* ½ *p.*

680. VIII. Examination of Gabriel Loff of Long Island, one of Kidd's crew, before Lord Bellomont and the Council, Boston, July 10th, 1699. In Sept. 1696 he sailed on the *Adventure* galley from New York to Madera, Bonavista, St. Jago, Madagascar, Joanna, Mehila, back to Joanna and thence into the Red Sea to cruize for pirates. Then to the coast of India where Capt. Kidd made a prize of a Moorish ship with a French pass, and another ship from Bengal, *Quidah Merchant*, commanded by Wright, an Englishman, chiefly manned with Moors and Armenians. They divided the bale goods at Madagascar. Most of the men deserted at St. Mary's, Capt. Kidd proposing to them to take the *Mocha* frigate, but the generality refused saying they would sooner shoot him than go into the *Mocha* frigate, and they went on board the said frigate. *Describes movements of Kidd in the West Indies. Signed*, Gabriel Loff. *Same endorsement. Copy.* 2½ *pp.*

680. IX. Information of Andries Henlyne, John Pero and Jacob Rateere, of the sloop *Mary* from Curasso. Several sloops had been on board Kidd's ship in the River

Romano near the Island Catherine and fetched East India goods thence to Curassoa and St. Thomas'. July 10, 1699. *Endorsed*, Recd. Sept. 20. Read Sept. 27, 1699. *Copy.* ¾ *p.*

680. x. Information of Capt. Nicholas Evertse. I saw Capt. Kidd's ship in the lagoon at the Island St. Helena, where the inhabitants of Curaçao and St. Thomas traded with her. On June 29 I saw it on fire and almost burnt down. *Same endorsement. Copy.* ¾ *p.*

680. xi. Examination of William Jenkins, of Bow, near London, apprentice, who sailed on the *Adventure* galley from Plymouth some time after Xmas, 1695. *Describes her voyage.* After the taking of *Quidah Merchant*, Capt. Wright declared she was in the employment of the English and that the lading belonged to them. About four or five days after Capt. Kidd called the company together and proposed to them to return the ship to those from whom they had taken her or sell her to them, and said he would agree to anything they should do therein, were it for the value of a piece of eight. The taking of the ship would make a great noise in England, and they should not know what to do with the goods taken in her. But the company carried the ship into St. Mary's and there shared, Capt. Kidd having forty shares. On her way to St. Mary's the *Adventure* had also taken a barque of 150 tons, Bengal to Goa, navigated with Portuguese, which the company began to plunder, but seeing several ships coming down towards them the galley with her other two prizes came to sail and left her last prize at a place between Brin John and Angingo, an English and Dutch factory. *Describes voyages of the Quidah Merchant* and the *Antonio.* The *Antonio* touched first at Hoorkills in Delaware Bay and James Gillam, one of the *Mocco* frigate's crew, sent his chest ashore; then at Gardner's Island where Capt. Kidd delivered to Mr. Gardner two bales of goods, two negro boys and a negro girl. Other bales and chests belonging to Humphrey Clay, English Smith, Gabriel Luff and Martin Skinke, were put on board a New York sloop, Hendrick, a Dutchman, skipper, which went back to New York. Kidd proceeded to Block Island and gave one Sands there two guns; then to Tarpolin Cove, where one or more bales of the Captain's were put on shore. The captain and crew traded Boulton and Burt. *Signed*, William Jenkins, Boston, July 6. 5½ *pp. Copy.*

Deposition of Richard Barleycorn. 1½ *pp. Copy.*

Deposition of Robert Lamley, corroborating above. ¼ *p. Copy. Same endorsement.*

680. xii. Narrative of Wm. Cuthbert, late gunner of the *Charles II.* Coming out of the Gulf of Persia we sighted Kidd. I was commanded to place a shot betwixt his forefoot, and upon the same he clapt his helm hard a weather and bore away right afore it. Wm. Burinster,

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second in command (on the Bombay side) told us a few days later that Kidd was in Carwar, one of the E.I. Company's factories, the other day and watered there, when two of his men left him because, as they said, he was going upon an ill design of piracy. They were sent to England aboard our ship (Jan. 29, 1697) as prisoners to be examined before the Admiralty, and found innocent. Before we went from Bombay, the general informed our captain (John Dorrell) that Kidd had taken a great ship of the Bantans and kept the mate, an Englishman, upon which depredations 'tis usual for the inhabitants to take the English there and secure them and seize their estates for satisfaction, which, if wanting, many families have perished in prison. Kidd's two men told us that he had made many attempts upon vessels, but could not prevail, and that he was very crude to his men, and abused them, especially such as did not adhere to those evil practices. We heard that Capt. Edgcomb, the *Moquo* frigate, belonging to the E. I. Company, was murdered by his men as he lay asleep, and that Gillam, who went by the name of Sampson Marshall, in the Indies, had turned Moor, and was circumcised, and one of 12 men (*names given*) ran away with her. *Signed*, Wm. Cuthbert. *Same endorsement. Copy.* 1¼ *pp.*

680. xiii. Deposition of Samuel Wood, master, as to the sale of the *Antonio* to Capt. Kidd. *Signed*, Saml. Wood. *Same endorsement. Copy.* 3 *pp.*

680. xiv. Deposition of Thomas Way, mariner, of Boston, about some goods put on board his sloop by Capt. Kidd, and delivered to him in Boston. *Signed*, Thomas Way. *Endorsed*, Recd. Sep. 20. Read Oct. 3, 1699. *Copy.* 1 *p.*

680. xv. Boston, July 12, 1699. Deposition of Robert Livingstone, of Albany, when summoned before the Council, about some of the treasure Kidd told him of, saying it was for the account of the owners of the *Adventure* galley, whereof the deponent was one. Kidd gave Duncan Campbell 100 pieces of eight. *Signed*, Robt. Livingstone. *Same endorsement. Copy.* 1½ *pp.*

680. xvi. Deposition of Edward Davis, one of Kidd's men, about goods put ashore from the *Antonio. Signed*, Edward Davis. *Same endorsement. Copy.* ¾ *p.*

680. xvii. Depositions of Duncan Campbell and Susanna, his wife. Kidd sent by the narrator as a present to the Countess of Bellomont an enamelled gilt box with four sparks set in gold and a stone ring, and, later, a green silk bag of about 5lb. weight of bar gold, which was returned. Details of other presents and payments made by Kidd. *Same endorsement. Copy.* 2¾ *pp.*

680. xviii. Deposition of Hugh Parrat of Plymouth, who joined the *Adventure* galley at Joanna. *Account of*

Kidd's voyages. Signed, Hugh Parratt. *Same endorsement. Copy.* $2\frac{1}{2}$ *pp.*

680. xix. Inventory of the gold, silver, jewels and merchandise late in the possession of Capt. Kidd. July 25, 1699. Gold, 1,111 oz., silver, 2,353 oz. etc. *Signed*, Sam. Sewall, Nath. Byfield, Jer. Dumer, Laur. Hammond, Andw. Belcher. *Same endorsement.* 1 *large p.*

680. xx. Inventory of the *Antonio*, Boston, July 24, 1699. *Signed*, Sam. Hogg, Nath. Cary. *Same endorsement. Copy.* 1 *p.*

680. xxi. Narrative of John Gardiner about money and goods left with him by Kidd, and others sent to New York by New York sloops. Boston, July 17, 1699. *Signed*, John Gardiner. *Same endorsement. Copy.* 3 *pp.*

680. xxii. Memorandum of goods left by Kidd with Gardiner. Sworn, July 17. *Same endorsement. Copy.* $\frac{3}{4}$ *p.*

680. xxiii. Depositions of Abel Owen, Cook, and Samuel Arris, Steward, of the *Adventure* galley. The ship was launched at Deptford in Castles Yard about Dec. 4, 1695, and came to the buoy and oar [? *Buoy in the Nore*] the end of February. About March 1 the men were pressed for the Fleet and she was stayed about 19 days. On Ap. 23, 1696, she sailed from Plymouth, and some time in May met with a small French vessel bound for Newfoundland, which they took and carried into New York, July 4th. The same was condemned there as lawful prize, etc. At St. Mary's, Capt. Kidd proposed to take the *Mocco* frigate, but ninety of the crew said that they would fire two guns into him rather than one into the other, and immediately deserted and went on board the *Mocco* frigate. *Signed*, Abel Owen (his mark), Samuel Arris. Confirmed by English Smith, Humphry Clay, Hugh Parratt. Boston, July 4, 1699. *Endorsed*, Recd. Sep. 20. Read Oct. 4, 1699. *Copy.* $2\frac{3}{4}$ *pp.*

680. xxiv. Examination of Capt. Kidd before the Governor and Council, July 3. He said that his Journal had been destroyed by his crew at St. Mary's, but that if granted time, he would prepare a narrative in writing. He gave an account of the lading on his sloop, all which he said he purchased at Madagascar with the powder and small arms, etc., belonging to the *Adventure* galley. He gave an account of the goods on board the *Quidah Merchant*. *Signed*, Wm. Kidd. *Same endorsement. Copy.* $1\frac{1}{2}$ *pp.*

680. xxv. Narrative of the voyage of Capt. Kidd. *Begins as xxiii. supra.* On Sept. 6, 1696, sailed for Maderas in company with. Joyner, master of a brigantine of Bermudas. Arrived there Oct. 8. Arrived Bonavista 19th Oct., took in some salt. Arrived St. Jago, Oct. 24. Took in some water and stayed 8 or 9 days. Sailed for Cape of Good Hope, and on Dec. 12 met with

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four English men-of-war. Sailed a week in their company, then parted and sailed to Telere in Madagascar. A sloop from Barbados arrived Jan. 29. Mr. Hatton, a merchant, came on board from her and died suddenly in the cabin of the *Adventure* galley. End of Feb. sailed for Johanna, the said sloop keeping company. Arrived March 18, and found 4 East India merchantmen there, outward bound. Watered and sailed March 22 for Mehila, 10 leagues from Johanna. Careened the Galley. About 50 men died there in a week's time. April 25, 1697, set sail for the coast of India, and came upon the coast of Malabar in the beginning of Sept. Went into Carwar upon that coast about the middle of the same month. Watered there and the gentlemen of the English Factory informed him that the Portuguese were fitting out two men-of-war to take him and advised him to set out to sea. Sailed Sept. 22 and next morning at break of day saw the two men-of-war standing for the Galley. He said he was from London, they said they were from Goa and so parted, wishing each other a good voyage. Making still along the coast the Commodore of the men-of-war kept dogging the Galley all night waiting an opportunity to board her, and in the morning without speaking a word fired 6 great guns, some whereof went through the Galley and wounded four of his men. He fired and the fight continued all day. The narrator had 11 men wounded. The other Portuguese men-of-war lay some distance off and could not come up with the Galley, being calm. The fight was sharp and the Portuguese left with such satisfaction that the narrator believes no Portuguese will ever attack the King's colours again in that part of the world especially. Continued cruising upon the Cape of Cameroon for pirates till the beginning of Nov. 1697, when he met with Capt. How in the *Loyal Captain*, an English ship bound to Surat, whom he examined, and finding his pass good, designed freely to let her pass, but having two Dutchmen on board, they told his men that they had divers Greeks and Armenians on board, who had divers precious stones and other rich goods on board, which caused his men to be very mutinous, and got up their arms, and swore they would take the ship, and two-thirds of his men voted for the same. Narrator told them the small arms belonged to the Galley, and that he was not come to take any Englishman or lawful traders, and that if they attempted any such thing they should never come on board the Galley again, nor have the boat or small arms, and that he would attack them with the Galley and drive them into Bombay. He could scarce restrain them, but at last prevailed, and with much ado got him clear. All which Capt. How will attest.

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Nov. 18 or 19 met with a Moor's ship of about 200 tons, Surat to Malabar, loaded with horses, sugar and cotton, having about 40 Moors on board and a Dutch pilot, boatswain and gunner. They declared it was a Moor's ship. They showed a French pass from Surat, narrator believes by mistake, for the pilot swore sacrament she was a prize and would not return but stayed on board the Galley.

About Feb. 1 upon the same coast, under French colours with a design to decoy, met with a Bengal merchantman belonging to Surat, 4 or 500 tons, 10 guns. The Commander, a Frenchman from the French factory at Surat, and the gunner came on board as Master. Then narrator caused the English colours to be hoisted. The Master was surprised, and said, "Here is a good prize," and delivered him the French pass. With the said two prizes sailed for St. Mary's. The Galley was so leaky they feared she would have sunk every hour. It required 8 men every two glasses to keep her free, and was forced to woold her round with cables to keep her together. With much ado arrived St. Mary's, April 1, 1698. May 6, the lesser prize was haled into the careening Island, the other not being arrived, and ransacked and sunk by the mutinous men, who threatened the narrator and the men that would not join with them to burn and sink the other, that they might not go home and tell the news. There was a pirate ship, the *Moca* frigate, at anchor, Robt. Culliford, commander, who with his men left her at his coming and ran into the woods. Narrator proposed to his men to take her, having sufficient power and authority so to do, but the mutinous crew told him if he offered the same they would rather fire two guns into him than one into the other. Thereupon 97 deserted and went into the *Mocha* frigate, and sent into the woods and brought Culliford and his men on board again. For 4 or 5 days, the deserters, sometimes in great numbers, came on board the Galley and the prize, and carried away great guns, powder, sails, etc., and threatened several times to murder the narrator, which they designed in the night to effect, but was prevented by his locking himself into his cabin at night, and barricading it with bales, and having about 40 small arms besides pistols ready charged kept them out. After they had plundered sufficiently, they went four miles off to Edward Welche's house, where the narrator's chest was lodged, and broke it open and took out of it gold and money and his journal and many papers belonging to him and the people of New York that fitted them out. About June 15 the *Mocha* frigate went away, manned with about 130 men and 40 guns, bound out to take all nations. The narrator was left with only 13 men, so that

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the Moors he had to pump being carried away, the *Adventure* galley sank in the harbour. He and his men went on board the *Adventure* prize, where he was forced to stay five months for a fair wind. He took some passengers on board to help to bring her home. The beginning of April, 1699, he arrived at Anguilla and sent his boat ashore, where his men had the news that he and his people were proclaimed pirates, which put them into such a consternation that they sought all opportunities to run the ship upon some reef or shoal, fearing the narrator should carry them into some English port. They came to St. Thomas, where his brother-in-law, Samuel Bradley, was put on shore being sick, and five more deserted him. The same news heard there incensed the people more and more. Sailed for Moona, an island between Hispaniola and Portorico, where they met with the *St. Anthony*, bound for Antego from Curaçao, Wm. Bolton, merchant, and Samuel Wood, master. The men swore they would bring the ship no further. Narrator sent the *St. Anthony* for Curaçao for canvas to make sails for the Prize. When it came, in 10 days, he could not persuade the men to carry her for New England, but six of them carried their chests and things on board of two Dutch sloops bound for Curaçao and would not so much as heel the vessel or do anything. The remainder not being able to bring the *Adventure* prize to Boston, the narrator secured her in a good safe harbour in some part of Hispaniola and left her in the possession of Henry Bolton, the master, three of the old men and 15 or 16 of the men that belonged to the *St. Anthony* and a briganteen belonging to one Burt of Curaçao. Narrator bought the *St. Anthony* for the owners' account, and after he had given directions to Bolton to be careful of the ship and lading and persuaded him to stay three months till he returned, made the best of his way to New York, where he heard Lord Bellomont was, who was principally concerned in the *Adventure* galley, and hearing his Lordship was at Boston came thither.

July 7. The ship was left at St. Katherina, on the S.E. part of Hispaniola, about 3 leagues to leeward of the westerly end of Savano. Whilst he lay at Hispaniola he traded with Bolton and Burt to the value of 11,200 pieces of eight, whereof he received the *Antonio* at 3,000, and 4,200 by bills of exchange drawn on Gabril and Lemont, merchants in Curaçao, and 4,000 in dust and bar gold, which gold, with some more traded for at Madagascar, 50 lbs. weight in quantity, narrator left in a box in the custody of Mr. Gardiner. The gold seized at Mr. Campbell's he traded for at Madagascar with what came out of the galley. He carried in her from New York 154 men, 70 whereof came out of England with him. Some of the sloop's company put two bales of goods on shore at Gardner's Island and narrator a chest of goods, but no goods anywhere else. Several of his company landed their chests and goods at other places. He delivered a small bale of coarse calicoes to a sloopman of Rhode Island that he had employed there. The gold seized at Mr. Campbell's narrator intended for presents to some that he expected to do him kindness. Some of his Company put their chests and bales on board a New York sloop at Gardner's Island. *Signed*, Wm. Kidd. *Same endorsement. Copy.* 6¼ *pp.* [*Board of Trade.* New England, 9. *Nos.* 64, 64 I.-XXV.: *and* (*without enclosures*) 37. *pp.* 175-187.]

July 26. Whitehall. **681.** William Popple to Sir Thomas Trevor. I send you two parcels of the Acts of the Bermuda Islands, some Acts being omitted in one, together with some Acts passed in the General Assembly held there Oct. 31. *Annexed*,

681. I. List of Acts enclosed, 1691-1698. [*Board of Trade.* Bermuda, 29. *pp.* 188-199.]

July 26. Whitehall. **682.** William Popple to Sir John Hawles. I send for your opinion some Acts passed at a General Assembly of the Massachusets Bay, Nov. 15, 1698, and four private Acts, 1696-98. *Annexed*,

682. I. List of Acts enclosed. [*Board of Trade.* New England, 37. *pp.* 165-169.]

July 26. **683.** Minutes of Council of Montserrat. A new execution in place of an irregular one according to a verdict and judgment granted to Isabel Scheurman. [*Board of Trade.* Leeward Islands, 64. *p.* 544.]

July 26. **684.** Minutes of Council of New York. Col. Schüyler's report of transactions with the Indians approved. [*Board of Trade.* New York, 72. *pp.* 263, 264.]

July 27. Whitehall. **685.** Council of Trade and Plantations to the Earl of Jersey. Letter enclosing,

685. I. Representation upon the petition of Mr. Peter Van Belle. We are informed that Van Belle is an inhabitant of St. Thomas, and there employed as a Factor or Agent for African Company of Embden and have no reason to suppose him ignorant of the laws relating to trade between that and Your Majesty's neighbouring islands, but rather much reason to suspect him well versed in the methods of interloping and trading there illegally, a practice very prejudicial to Your Majesty's service and the interests of this Kingdom. The seizure of his negroes was made in pursuance of the very first clause of the Navigation Act; a suit was begun and is being pursued in the Courts, which we conceive is not fit to be stopt, upon any pretence of the Governor's permission, until judgment be given. But if in the end it do appear that the Governor has in that acted contrary to his duty, Van Belle will either have remedy against

him in law or Your Majesty may punish him with such marks of your displeasure as shall seem suitable, and if after judgement either party shall think themselves aggrieved, an appeal will then be open from thence to Your Majesty. *Signed*, Lexington, Ph. Meadows, Jno. Locke, Abr. Hill. [*Board of Trade.* Leeward Islands, 45. *pp.* 393-395.]

July 27. Whitehall. **686.** Council of Trade and Plantations to Edward Randolph. Your letters have been very acceptable to us, only the last very surprising and unwelcome. But we have procured an Order in Council for your discharge, and written to the Governor in terms that will make him very sensible of his error. We desire you to continue the like information to us, as you have done hitherto, through the rest of H.M. Plantations. *Signed*, Lexington, Ph. Meadows, Jno. Locke, Abr. Hill. [*Board of Trade.* Bermuda, 29. *pp.* 199, 200.]

July 28. Salem. And July 29. Newbury. **687.** Minutes of Council of Massachusetts Bay. Several Justices took the oath. [*Board of Trade.* New England, 49. *pp.* 230, 231.]

July 31. **688.** Minutes of Council of New York. Salary of the Custom House Barge Crew increased, and a suitable livery voted for them. Dorothy Lee, widow, who was left in possession of Mrs. Kidd's house, when she went to her husband, denied upon oath that she knew anything about goods from Kidd's vessel. John Tuthill, a J.P. for the county of Suffolk, summoned to bring with him some East India goods and bullion from Kidd's sloop, which were reported to be in his possession.

Aug. 2. Persons complained of in a petition of the Indians summoned to appear. [*Board of Trade.* New York, 72. *pp.* 264, 265.]

July 31. Portsmouth. **689.** Minutes of Council of New Hampshire. Governor Lord Bellomont read his Commission and took the oath appointed. William Partridge, L.G.; John Hinckes, Nathaniel Fryer, Peter Coffin, Robt. Elliot, John Geerish, Councillors; and Sampson Sheafe, Secretary, were also sworn. Writs issued for calling an Assembly, Aug. 7. Upon a petition of Richard Waldron, Maj. William Vaughan and Capt. Henry Dow against the Judges of the Supreme Court, a Proclamation was ordered for the continuance of the J.P's. and constables only in their respective places for the conservation of the peace. On the advice of the Council, William Ardell, "given to drink and abusive in his drink," etc., removed from being High Sheriff and Richard Jose appointed in his stead.

Aug. 1. Bill for reviving the Supreme Court ordered to be prepared. Nathaniel Wear excused from serving as Councillor on consideration of his age and remote living. Bills for the regulation of Jurors; for erecting a fort on Newcastle Island: restraining and punishing privateers and pirates; and for facilitating the conversion of Indians and negroes ordered to be prepared. Capt. John Hill of Sacoa Fort ordered to summon the principal Sachamores of the

Indians to Portsmouth, since they wished to see the Governor about renewing their allegiance. Richard Jose took the oath as High Sheriff. [*Board of Trade.* New England, 49. *pp.* 495-500.]

Aug. 1. **690.** Minutes of Council of Barbados. John Waterman sworn one of His Majesty's Judges for the Court of Common Pleas. £100 for lime and materials for the additional buildings in course of erection in James' Fort ordered to be paid to Col. Wm. Wheeler. Report on the state of Oistin's Fort, read. Some considerations for raising a standing fund or levy, read and ordered to be laid on the table for consideration. Petitions ordered henceforth to be signed and dated by petitioners or their counsel, and the Secretary only to receive
Aug. 2. such. The Assembly presented a Bill for a longer time for the surveyors to run out the land pursuant to a late Bill. Passed. Capt. Barker's petition (*see abstract below*) sent to Assembly and returned with their concurrence. Memorial of a Wellwisher commended to the Assembly. The Assembly's proposal, that the six iron guns and carriages belonging to Capt. George Payne should be bought for the country and placed at His Excellency's door, was agreed to. [*Board of Trade.* Barbados, 65. *pp.* 434, 435.]

Aug. 1. **691.** Journal of Assembly of Barbados. Thomas Maxwell elected Speaker. Bill entitled "A further Supplemental Act to an Act for the provision of Servants" was read and considered. The Treasurer was ordered to distribute the servants imported, till they are disposed of, amongst certain well-disposed persons who have offered to accommodate them. Letter from Francis Eyles, lately one of this country's Agents, claiming arrear of salary, considered.
Aug. 2. Col. William Wheeler elected Speaker in place of Mr. Maxwell, sick. Petition of Capt. Barker to be allowed to land a pipe of Madeira for his own use, granted. A Bill to restrain persons from carrying servants off this island under the penalty of the Act, June 20, 1699, for the encouragement of the importation of Christian servants. The further supplemental Act for the provision of white servants was read, debated, passed, and taken to the Council. [*Board of Trade.* Barbados, 65. *pp.* 419-422; *and America and West Indies*, 455. *pp.* 195-8.]

Aug. 2. **692.** Journal of Council of Trade and Plantations. Letter
Whitehall. from Col. Quarry, Pennsylvania, May 18, considered. Ordered that the Secretary enquire of Mr. Penn what time he intends to repair thither. Representation ordered.

Aug. 3. Mr. Penn, intending to embark at Portsmouth on the 16th, attended and was informed of the proposed Representation of the Board.

Aug. 4. The Representation was signed and sent.

Letter from Mr. Bass, Burlington, June 9, read. Representation about some pirates there seized ordered.

The Earl of Bridgwater communicated several papers from Col. Quary which had been enclosed to him.

Memorial from Mr. Gilbert Heathcote etc. relating to the place of Provost Marshall in Jamaica, read. Mr. Heathcote requested to give information about . . . Toplady. [*Board of Trade.* Journal, 12. *pp.* 135-138; *and* 96. *Nos.* 119-121.]

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Aug. 3. James City. **693.** Minutes of Council of Virginia. Philip Ludwell, Michael Sherman, James Bray, Bartholomew Fowler, David Bray, Hugh Norrell, Thomas Cowles, William Drummond, and William Broadrib, appointed Commissioners for the Blackwater Lands, and William Leigh, Joseph Foster, Lancelot Bathurst, Francis Burnell, — Edmundson, Thomas Smith, John Stanup, John Lewis, and James Baughan for the lands in Pamunkey Neck. The Commissioners to be provided for during their service, and their expenses paid by those who have the grants. The Governor read letters from Lt.-Col. Wilson and Capt. Aldred, stating that on July 26 an English-built square-sterned ship, with about 30 guns and 150 men, came into Lyn-Haven Bay, took the *Maryland Merchant* and fought H.M.S. *Essex* prize. It being probable those pirates may land to the northward, the Council advised the Governor to write to the Northern Governments.

Aug. 4 Notice of Robert Beverley's petition to be heard before a lease of Point Comfort Island be made to Col. Wilson given to him. Clerks appointed to the Lands Commissions. Capt. Aldred's description of the *Essex* prize showing her to be too small and weak for service here, the Council advise a representation to the King praying for a ship of sufficient force to defend the Colony against pirates, with a small tender to serve as a fireship if necessary. [*Board of Trade.* Virginia, 53. *pp.* 521-524.]

Aug. 4. **694.** Council of Trade and Plantations to the Lords Justices. We have considered the papers relating to Pennsylvania submitted to us and find that Col. Wm. Markham acting as L.G. for Mr. Penn has not his Majesty's approbation as required by the Act for preventing frauds, etc. In May, 1698, an Act was passed by the General Assembly of the Province (Act for preventing frauds, etc., in Pennsylvania in which is a clause excusing the scrupulous from oaths in all cases relating to the Acts for Trade, directly contrary to several Acts of Parliament and the 10th Article of H.M. Instructions relating to trade which Col. Markham had actually received at the time; and also a clause destroying the whole power of the Court of Admiralty. Col. Markham has connived at and encouraged illegal trade by discharging goods under seizure, eluding proceedings upon forfeited Navigation Bonds and many other ways. No sentence can be obtained in the Courts of that Province upon bonds taken in the King's name and forfeited, upon pretence that there is no Attorney-General there for the King to prosecute. Judges, juries and witnesses there not being upon oath, all justice is very doubtful, and more especially in cases where the King is concerned. Tobacco has also been sent thence from Newfoundland and Scotland and European goods received from Curaçao; cut tobacco has been sent thence to New England and other Plantations fraudulently in meat barrels, particularly by Anthony Morrice, a Justice of the Peace, and by these advantages of trading illegal in tobacco, the price of that commodity was very much risen there, and much more of it planted than formerly. All which irregularities could not be without the knowledge and connivance of those in greatest authority there. Col. Markham has protected pirates, particularly some of Every's crew, for instance one James Brown, who is married to his daughter-in-law, and one Clause, a Dane, who both live there. Two others, Robert Clinton and Edmund Lascelles, were suffered to escape out of prison and get away. Markham has received presents from some pirates, and has considerable effects of others in his hands. Goods under seizure in the King's Store under custody of the Marshal were forcibly taken away by virtue of a warrant from the forementioned Morrice. Col. Markham refused to restore them, and an action has been brought against the Marshal for detaining the goods in pursuance of his commission. Col. Markham has in his own hands part of some prize goods condemned by the Court of Admiralty, and refused to deliver them upon a decree of that Court, without Mr. Penn's order, to a person authorized by the Commissioners for prizes here to receive them, and forbad the Sheriff to deliver some of the said goods that are in his hands. The whole Government set themselves in opposition to the Court of Admiralty. They have endeavoured to persuade all men to refuse obedience to that Court, and have set up a sort of Admiralty Court of their own, or at least exercised an Admiralty power, by arresting a ship and making proceedings against her at their sessions. The Justices of the Peace at a Sessions did all they could to persuade the Grand Jury to present the officers of the Admiralty as enemies to their Government. David Lloyd, who styles himself Attorney General and takes fees accordingly yet refuses to put anything in suit for the King, insolently ridiculed the Admiralty Commission and His Majesty's effigies affixed to it, in open Court, and also said in open Council that whoever encouraged the setting up of that Court were enemies to the liberties and properties of the people. The officers of the Admiralty have been so discouraged that Col. Quary, Judge of the said Court, complains (May 18) that he had great difficulty to persuade them to remain in their places. It seems absolutely necessary that some speedy and effectual remedy be applied. Col. Markham should be removed from his place as L.G.; David Lloyd, as we represented Sep. 7, 1696, superseded as Attorney-General, and not continued in any public employment whatsoever; and Anthony Morrice removed from the Commission of the Peace. The remainder of the foregoing articles carry in them sufficient evidence of the ill disposition of the people and mismanagement of the government. Mr. Penn is now about repairing thither. We offer that he be directed to remove the aforesaid officers, and to take care that all due obedience be given to the Court of Admiralty and encouragement to the officers of that Court and the Customs; that all those whom he shall find to have been turbulent and busy in opposing the proceedings of that Court be punished accordingly or at least discouraged from meddling any more in like manner; that the several Acts of Trade past here and enumerated in H.M. Instructions be punctually observed and all further Acts of like nature; that proper laws be provided and duly executed for preventing of piracies and for the suppression and punishment of pirates according to H.M. many repeated instructions in that particular; and that upon the whole he so govern and regulate all public proceedings in that province that nothing be attempted or carried on there to the prejudice of his Majesty or of this Kingdom; and

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that with all convenient speed after his arrival he make report to H.M. of the state of that Province, the misdemeanours of all persons justly blameable in these matters, together with his own proceedings.

Mr. Penn has some while since declared unto us that he himself had disallowed the Act for preventing frauds, etc., in Pennsylvania. We think his simple disallowance not sufficient for the discountenancing of such like attempts for the future and therefore offer that your Excellencies would also please more particularly to declare the said Act and all other future Acts that shall be made there contrary to the Laws of England to be void in themselves without any particular repeal and *ipso facto* null and of no effect. *Signed*, Lexington, Ph. Meadows, John Locke, Abr. Hill. [*Board of Trade.* Proprieties, 26. *pp.* 20-32.]

Aug. 4. **695.** Petition of Agents, Merchants and Planters of Jamaica to Council of Trade and Plantations. Jane Traherne of Jamaica, lately married with one Toplady and arrived in England, has agreed or is about to agree with the present patentee of the office of Provost Marshall General of the island for the purchase of the patent for her husband for a very considerable sum, and threatens to reimburse herself by exacting large annual gratuities from the deputies of the prisons. Toplady and his wife are persons of very mean reputation and we pray you will be pleased fully to inform yourselves of Toplady's character before admitting him to so great a trust. *Signed*, John Packe, John Heathcote, Benjamin Way, Michael Mitford, Stephen Style, Jonth. Hubbard, Edw. Broughton, Robt. Walker, James Whitchurch, E. Hull, Samson Mears, Gilbert Heathcote, Henry Tate, Josias Wordsworth, William Heathcote, John Frank. *Endorsed*, Recd. Read Aug. 4, 1699. *Enclosed*,

695. I. Copy of George Golding's Patent to the office of Provost Marshall General of Jamaica. [*Board of Trade.* Jamaica, 8. *Nos.* 128, 128 I.; *and* (*without enclosure*), 56. *pp.* 351-352.]

Aug. 4. **696.** Minutes of Council of Montserrat in Assembly. Dr. Thomas Thomson ordered to pay 3,000lbs. of sugar to Thomas Westipher in compensation for a negro woman killed by a negro man belonging to Thomson.

Execution for a legacy to William Morphey suspended till the executor, Major John Daly, should have assets in his hands.

The Council replied to the suggestions of the Assembly as to executions, fees, petitions; agreed to the repair of the gaol and Sessions House and also to send the Acts to Nevis. [*Board of Trade.* Leeward Islands, 64. *pp.* 544, 545.]

Aug. 5. **697.** Minutes of Council of New York. Conference with the Cayouge Indians communicated. Mr. Vesey's salary suspended. Inventory of Kidd's goods in the Custom House ordered. The Scotch from Caledonia granted leave to purchase provisions for their crew till the Governor's pleasure be known. On the petition of Alletie Doornes, widow, George Sydenham and Elizabeth his wife summoned to appear. £4 4*s.* paid to Jonah Tomes for nursing a sick soldier 12 weeks. [*Board of Trade.* New York, 72. *pp.* 265, 266.]

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698. Minutes of Council of New Hampshire. Capt. John Hill, Commander of Sacoa Fort, reported that Bombazeen and Eskumuit, two of the chief Eastern Indians, had promised to call a Council with a view to treating with the Governor. Bombazeen said all those lands belonged to his uncle Moxis, and all those Eastern Indians carry themselves very insolently, and say the English shall not repossess the lands in Maine except by agreement with them. They have three forts in which are French missionaries. Capt. Hill was instructed to escort the Indians to Portsmouth, or if they could not come in time, to propose their coming to Boston.

Proclamation forbidding any dealings with the Scotch expedition ordered. [*Board of Trade.* New England, 49. *pp.* 503, 504.]

Aug. 7.
Whitehall.

699. Journal of Council of Trade and Plantations. Letters from Col. Quary, June 1st and 6th, read. Additions ordered accordingly to Representation ordered upon the letter from Mr. Bass, Aug. 4th.

Letter from the Governor of Rhode Island, May 27, read. Answer ordered.

Aug. 8.

Mr. Brenton attending, as desired, in answer to several questions about the government of Rhode Island, said that the greatest part of the inhabitants are Quakers or Demy-Quakers, such as go to the Quakers' meeting, but are free to take an oath. The present Governor, Mr. Cranstone, is one of these Demy-Quakers, a man of small estate and only put in to serve the Quakers' turn. The Freeholders formerly chose the Governors; now it is the Freemen. There are several persons of considerable estate, but they and all the principal inhabitants are out of the Government. Neither the Judges nor Juries are ever sworn upon trial. They have passed a law repeating a former one, which obliged their Deputies at their General Assemblies to take an oath for the faithful discharge of their trust. Their laws were formerly in good order, but now that the Government is in the hand of the meaner sort of people, they are in great confusion, upon loose papers, blotted and torn. Green, the Deputy-Governor, is a man of small estate and very indifferent character. Mr. Brenton then proposed that an Act of Parliament might be passed here to oblige all those who were in any place of trust in that Government to take an oath of fidelity to the King and an oath for the faithful discharge of their trust, and promised to make a draft of such an Act and present it to their Lordships.

Mr. Hamilton, attending, desired their Lordships to report upon the Proprietors of West New Jersey's Memorial, praying he may have H.M. approbation for the Government of that Province, but he was told that they did not think fit to represent upon that, till the questions about the title of the Government were settled.

An account of the cargoes of the four ships that cleared from New York for Madagascar, June, 1698, received from Mr. Weaver.

Aug. 9.
Aug. 10.

Representation, upon the advices of Mr. Bass and Col. Quary, relating to pirates and illegal Trade agreed upon, and signed and sent.

Letter from the Earl of Bellomont, Boston, May 29, read. Directions for preparing an answer given.

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Aug. 11. Letter to the Governor and Company of Rhode Island signed. Copy prepared for Lord Bellomont.

Acts of Nevis, April, 1698—Jan. 5, 1699, sent to Mr. Solicitor General for his opinion.

Letter from Mr. Grey, Barbados, June 6, 1699, read. Answer ordered.

Letter to Lord Bellomont considered. [*Board of Trade.* Journal, 12. *pp.* 138-144; *and* 96. *Nos.* 122-126.]

Aug. 7. **700.** Minutes of Council and Assembly of New Hampshire. Members of General Assembly:—Capt. John Pickerin, Samuel Penhallow, John Plaisted (for Portsmouth); Capt. John Tuttle, Capt. John Woodman, Nathaniel Hill (for Dover); Capt. Henry Dow, Lt. John Smith, Joseph Swett (for Hampton); Theophilus Dudley, Moses Levet (for Exeter); James Randall, Theodore Atkinson (for Newcastle).

Henry Green of Hampton was excused serving on the Council owing to age, infirmity and remoteness of habitation.

The Representatives chose Samuel Penhallow for their Speaker. The Governor addressed them. Bills for reviving and continuing processes and actions etc. in the Supreme Court, and for regulating
Aug. 8. Jurors, read a first time and second time. Bill forbidding correspondence with the Scotch Expedition read a second time.
Aug. 9. Bill for regulating Jurors read a third time and sent down. Accounts of Major William Vaughan and Major Joseph Smith, late treasurers, referred to a Committee. Col. Samuel Allen, late Governor, summoned to answer to the reflections against him contained in the Bill for reviving the Supreme Court and to the petition of Richard Waldron, Major W. Vaughan and Capt. Henry Dow, was heard together with the petitioners.

The Assembly replied to the Governor's address. Richard Waldron sworn a member of Council. Bill for establishing Courts of Justice read three times and sent down. Bill for regulating Jurors returned with amendment. A new bill ordered. Address to H.M. ordered to be prepared. [*Board of Trade.* New England, 49. *pp.* 507-514.]

Aug. 8. **701.** An account of the cargoes of 4 ships that cleared from New York for Madagascar in June, 1698. *Signed*, S. V. Cortlandt. *Endorsed*, Mentioned in Lord Bellomont's letter of June 22, 1698. Recd. from Mr. Weaver, Aug. 8, 1699. 2 *pp.* [*Board of Trade.* New York, 8A. *No.* 38; *and* 55. *p.* 310.] (*Memorandum only.*)

Aug. 8. **702.** Minutes of Council and Assembly of Nevis. Col. John Ward was sworn a member of Assembly for the N.W. division. John Smargin was sworn Deputy Secretary of the Island. [*Board of Trade.* Leeward Islands, 64. *p.* 505.]

Aug. 8. Portsmouth. **703.** Minutes of Council of Massachusetts Bay. Justices took the oath. [*Board of Trade.* New England, 49. *p.* 231.]

Aug. 9. **704.** Minutes of Council of New York. Advertisements ordered to be published for the apprehension of Gilham the Pirate. High Sheriffs of King's and Queen's Counties ordered to

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seize Humphrey Clay, Martin Schank and John Harrison, pirates from Kidd's ship. All goods seized and brought into the Custom House ordered to be kept there till discharged by order of the Board or by due course of law. Accounts of Robert Livingston ordered to be audited.

The Governor requested to appoint a Registrar and other proper officers in the Court of Chancery. [*Board of Trade.* New York, 72. *pp.* 266-268.]

Aug. 9. **705.** Minutes of Council of Virginia. Ordered that lookouts be kept all along the coast for the pirates lately in Lyn-Haven Bay. Committee for revising Laws recommended to consider some method to procure an exact Rent-roll, to find what lands are escheatable to the King, to encourage trade particularly with relation to bulk tobacco, and to prepare a bill to ascertain fees to the officers of the Admiralty Court, the Attorney-General and Clerk of the Council. Allowance made to the Officers of the Admiralty Court for selling the stores saved from the *Swift* and *Roe.* Sloop-hire paid to Richard Kitson. Allowance paid to the Judge and Officers of the Admiralty Court for their extraordinary trouble and expenses in the condemnation of the ship *Providence.* Mr. Auditor ordered to give directions to the sheriffs in accordance with the King's instructions for the sale of the Quit-rents to the highest bidder at the County Courts. [*Board of Trade.* Virginia, 53. *pp.* 325-330.]

Aug. 10. **706.** Council of Trade and Plantations to the Lords Justices. In our representation of Oct. 19 we mentioned how Lord Bellomont, upon suspicion that four ships fitted out from New York for Madagascar, June, 1698, were designed for a trade with the pirates in those parts, proposed, but could not induce the Council to take good security before their departure. We now lay before you some informations of what appear to be the direct consequences of that voyage. *Governor Bass' letter, June 9, about Giles Shelley, quoted.* Shelley is one of the forementioned ships. His cargo outwards was of very small value, but the returns mentioned in his letter are exceedingly great and prove the nature of his trade. Captain Burgess named in his letter is another of the four ships. Mr. Stephen Delancey to whom Shelley wrote is one of the merchants concerned in the *Fortune*, Capt. Thomas Moston, Commander, mentioned in our former representation. *Col. Quary's letters June 1st and 6th summarised.* We represent our opinion that, for the better discouragement of illegal trade and piracy in the Province of New York and for the support of Lord Bellomont in that work which he has so vigorously begun, your Excellencies should direct his Lordship to continue to use his utmost endeavours to seize all goods imported contrary to the Acts of Trade as likewise all persons that may be justly suspected of piracy, either as principals or abettors, and to punish them with the utmost severity of law.

And whereas there seems to be little ground of depending upon the safe custody of the pirates seized in Pennsylvania, nor any expectation that a condign punishment will be inflicted on them, and as we are also informed by Col. Quary that there is no Act in force in West New Jersey by which those seized in that Province can be tried and punished there, we humbly offer that all pirates

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seized in Pennsylvania and West New Jersey be sent hither, together with the evidences upon which they have been seized and which may be of any use for their conviction here, that so they may be tried and punished according to law. And whereas there appears to be a great want of settled Militia in Pennsylvania for the defence and security of the same, we propose that directions be given to Mr. Penn to take care in that matter upon his arrival there, according to the powers conferred upon him by his patent. *Signed*, Ph. Meadows, Jno. Pollexfen, Jon. Locke, Abr. Hill. [*Board of Trade.* Proprieties, 26. *pp.* 66-73; and New York, 53. *pp.* 316-321.]

Aug. 10. **707.** Memorandum of preceding Representation. [*Board of Trade.* Plantations General, 35. *p.* 63.]

Aug. 10. **708.** Minutes of Council and Assembly of New Hampshire. Addresses of the Assembly relating to the fortifications, and complaining of the late Governor, Samuel Allen, read. Nathaniel Fryer moved that the inconvenience of heaving out ballast in the river might be considered. Bill for establishing Courts of Justice, returned for amendment, was amended and sent down.

Act for regulating Jurors amended, read and sent down. It
Aug. 11. was returned for amendment, amended and sent down. H.E. proposed the appointment of a Superior Court to hear suits pending at an early date. Bill for punishing privateers and pirates passed, sent down, passed and ordered to be engrossed. The Representatives
Aug. 12. desired to have the Treasurer's accounts, which were submitted to them with the Committee's report. Resolution of the Representatives about settling the Town Bounds was read.

H.E. acquainted Lt.-G. William Partridge, John Hinckes and Richard Waldron with the complaints made against them by John Usher (July 31), and with the letter of the Council of Trade and Plantations (Aug. 26, 1697), but having left two papers enclosed in the latter letter at Boston, he advised them not to draw up their reply till after he had returned to Boston and sent them instructions what their Lordships' orders were. [*Board of Trade.* New England, 49. *pp.* 515-521.]

Aug. 11.
Whitehall

709. Council of Trade and Plantations to the Governor and Company of Rhode Island and Providence Plantation. We have received your letter of May 27. Though you have not at this time been so negligent in writing as formerly, yet the things themselves are not altogether as they ought to be. You should have sent us a fair transcript of all the laws in force in the Colony fastened together by the Public Seal, instead of some leaves of paper stiched together and certified to be a "true abstract." Even if it is intended for a true copy, the blots in some places, the blanks in others, the want of sense in some expressions, the want of titles to the Acts and the disorderly placing of them are such marks of negligence that we can by no means depend thereupon. You are to send us a perfect copy of all your laws under the Public Seal. We observe the tenour of one Act without a title, past as we suppose in May, 1684, to be for the repealing of a former Act past at a General Assembly held in October, 1672, whereby the several deputies chosen for the respective towns were to engage for the faithful discharge of the trust in them reposed. We found not anything to that purpose under that date. We require you to send us an authentic copy of that law also, and to let us know whether all the members of that Assembly held in May, 1684, who repealed the foresaid Act, did themselves engage for the faithful discharge of their trust, unto which we require your direct and positive answer. You do not say that the private commissions you send are all that have been granted during the late war, which was the thing we positively required from you, and therefore esteem this a wilful neglect. Unless you reform all such shuffling in your correspondence, you will unavoidably find it turn no less to your prejudice than the miscarriages themselves that you would conceal. You say the commissions were only defensive; granted by the Deputy contrary to the mind of the Governor, and that he not knowing the due form omitted to take bonds. These answers are so contrary to truth and your duty that we wonder how you could write them. The Commissions give power to take, burn, destroy H.M. enemies, vessels, etc. Are these only defensive commissions? You know better. If they were granted through the ignorance of the Deputy Governor, you ought to have taken care that such an ignorant person had not been put in such an office. It is evident he has highly transgressed, not only in omitting to take bonds, but in granting any commissions contrary to the Governor's mind whilst he was in the Colony. Yet in your former letter you call these Commissions lawful, and would vindicate your proceedings upon their legality. Whilst you endeavour to excuse and do not punish an officer guilty of such notorious misdemeanours, we leave it to you to judge where the fault must necessarily be laid, and what may be the consequences. We might observe many things upon the trials of Cornish, Cutler, Munday and others for piracy, the success of which is according to what we expected from a people so partial in things of that kind. But we rather choose to exhort you to a thorough reformation of all the abuses that are too notorious amongst you. Unless such a reformation be speedily and very effectually prosecuted, you will inevitably fall into such inconveniences as will make you sensible of your miscarriages, when perhaps it may be too late. *Signed*, Ph. Meadows, Jon. Pollexfen, John Locke, Abr. Hill. [*Board of Trade.* Proprieties, 26. *pp.* 74-79.]

Aug. 11. Whitehall. **710.** William Popple to Sir John Hawles. I send the enclosed Acts for your opinion and am to repeat the desire for those already in your hands, sent you Jan. 7th, $169\frac{7}{8}$, May 4, 1698, and March 31 last, with what speed you can. *Signed*, W.P. *Annexed*,

710. i. List of Acts passed at a General Assembly, Nevis, April 1, 1698 and Jan. 5, $169\frac{8}{9}$.

(1) An Act concerning rates of liquors for Taverns, Tipling houses, etc. and for passing of Blackdogs. Ap. 1, 1698.

(2) An Act to oblige all persons to give in a list of their negroes and other slaves upon oath. Ap. 1, 1698.

1699.

(3) An Act for regulating the prices of fresh provision. Ap. 1, 1698.

(4) An Act for Assemblymen to serve when chosen. Ap. 1, 1698.

(5) An Act for raising an impost upon strong liquors imported. Ap. 1, 1698.

(6) An Act to empower the Treasurer to sue for dues, duties, debts, due to the Public and for renewing and confirming the several Acts therein mentioned. Jan. 5, $169\frac{8}{9}$. [*Board of Trade.* Leeward Islands, 45. *pp.* 396-397.]

Aug. 13.
James River, Va.

711. Account by Richard Burgess, Master of the *Maryland Merchant* of Bristol, of the attack on H.M.S. *Essex* prize by a pirate, the *Providence* galley, in Linhaven Bay, and the subsequent boarding of the *Maryland Merchant.*

"The Captain was a man of middle stature, square-shouldered, large jointed, lean, much disfigured with the small-pox, broad speech, thick-lipped, a blemish or cast in his left eye, but courteous, and declared he designed no prejudice to the English Nation, as to their persons, but particular wants would be supplied, and would rather pay for necessaries than be obliged to take it perforce, a compliment not obliged to believe, finding the contrary myself. The ship had on board, as they generally reported themselves, £3,000,000 sterling in gold and silver. They thought it not worth their while to take a gentleman's plate and money, value nigh £100, that was on board the *M.M.* The pirate seized the cargo of corn and pork from a North Carolina Sloop. He asked me for whom I thought the *Essex* prize was cruising. I informed, one Capt. Kidd. He answered, 'I am Kidd.' He was called John James by the Company; but from the description I have of him in the country, he is said to be Kidd." *Signed,* Richard Burgess. *Endorsed,* Recd. Nov. 13, Read Nov. 14, 1699. 4½ *pp.* [*Board of Trade.* Plantations General, 5. *No.* 21; *and* 35. *pp.* 116-124.]

Aug. 14.

712. Wm. Blathwayt to William Popple. I enclose my observations upon the memorial of the Proprietors of East New Jersey. *Signed,* Wm. Blathwayt. *Endorsed,* Recd. Aug. 9. Read Nov. 27, 1699. *Enclosed,*

712. I. Copy of the Observations referred to. *They are embodied in the reply of the Council of Trade, Nov. 28, q.v.* 3 *pp.* [*Board of Trade.* Proprieties, 4. *Nos.* 26, 26I.]

Aug. 14.
Whitehall.

713. Journal of Council of Trade and Plantations. Papers of Public Proceedings, Barbados, laid before the Board. Acts of Assembly sent to Mr. Attorney-General for his opinion, with a further request for the dispatch of his report upon those already in his hands. Letter from Mr. Grey, Barbados, June 29, read. There being one Article relating to the French settlement upon the island of Sta. Lucia, search ordered to be made concerning the title and right to that island.

Answer to Lord Bellomont's letters considered.

1699.

Aug. 15. Letter ordered to the Earl of Jersey desiring a copy of an instrument signed by the French and English Commissioners referred to in King James' letter of April 1, 1688, with a view to the consideration of the title of Sta. Lucia.

Answer to Lord Bellomont considered.

Aug. 16. Letter to Lord Jersey sent.

Directions for a letter to Lord Bellomont given. [*Board of Trade.* Journal, 12. *pp.* 144-147; *and* 96. *Nos.* 127-129.]

Aug. 14. **714**. Minutes of Council and Assembly of Nevis. Mrs. Judeth Forbes was granted letters of administration on the estate of Mr. John Dawny, and Col. Walter Hamilton, Mr. Solomon Israel and Mr. Bernard White on the estate of Mr. Robert Maxwell.

Acts for billeting the soldiers of Col. Collingwood's regiment for three months longer; for ascertaining the value of foreign coins; for bringing down the public timber bought of Thomas Belman; for continuing and renewing divers acts made March 25, were passed.

The Assembly announced that several Acts passed in the last Assembly had disappeared from the Secretary's Office. It was agreed to buy a book for the transcribing of all the Acts of the Island, to be kept in the Secretary's Office, and to appoint a Committee to inspect the Acts there.

The gunner having taken money for powder and put powder of his own instead he was called up and swore that he had not embezzled any. It was agreed that all money paid for any vessel that had no powder should be paid to the Treasurer and that the stores of the Fort should be inspected by a joint Committee.

A Committee was appointed for the reception of the Governor.

Mr. Hilton's book of surveying ordered to be transcribed. [*Board of Trade.* Leeward Islands, 64. *pp.* 505-507.]

Aug. 14. **715**. Minutes of Council and Assembly of New Hampshire. Address to H.M. sent down. The Representatives having taken general exception to the late Treasurer's accounts, were invited to explain which articles they considered insufficient. Act for continuing processes and actions, etc., read the third time and sent down.

Aug. 15. The Governor defaced the old, and delivered a new Great Seal to the L.G., William Partridge. Address to H.M. signed. Joseph Hern, Counsel for Samuel Allen, Thomas Newton and Charles Story, Counsel for Waldron, Vaughan and Dow agreed to have the causes depending tried at the next Superior Court held at Portsmouth. The petition of James Mountais about the seizure of the *Hopewell* presented to H.E.

Samuel Allen ordered to restore the money for provisions voted for H.E.'s reception, and appearing in Major Smith's accounts, but said by him to have been delivered to Allen.

Bill for a tax of £500 sent up and twice read.

Aug. 16. The Governor removed Sampson Sheafe from being Secretary, he being represented by the Council and Assembly as indigent and dishonest, and appointed Richard Waldron in his stead. Bill for a tax of £500 read a third time and ordered to be engrossed. Excise Bill sent up, read three times and ordered to be engrossed.

Partridge, Hinckes, Vaughan and Waldron presented a vindication of themselves against the charges of Usher.

Joseph Smith reported that he had brought back the remainder of the provisions from Col. Allen. [*Board of Trade.* New England, 49. *pp.* 523-530.]

Aug. 15. **716.** Memorial to the Council of Trade and Plantations of Robert Richardson, and Katherine his wife, daughter and executrix of Sir Peter Colleton, Bart., who died March 24, 1694, seized of four sixth parts of the Windward Plantations in the parish of St. John's and four sixth parts of three fourths of the Leeward plantations in the parishes of St. Peter's and St. Lucy's in the Island of Barbados, having by will devised the same, his negroes and stock thereon to his executors in trust for Sir John Colleton Colleton his son, an infant.

During his lifetime, Sir Peter's brother, Col. James Colleton, acted as Agent, and since his death, he has detained the proceeds of the plantation for his own use. Catherine Richardson thereupon commenced a suit in Barbados to recover possession of the plantation. To avoid the determining of the suit Col. James Colleton obtained the favour of being made judge of the Court where the cause was to be tried. In Dec., 1697, Robert and Katharine Richardson therefore obtained an order for the appointment of another judge, and a duplicate thereof in July, 1698, but have not yet been able to obtain relief. They therefore pray for further consideration. *Signed*, Robt. Richardson. *Endorsed*, Read Aug. 22, 1699. 1 *p.* [*Board of Trade.* Barbados, 8. *No.* 13; *and* 44 A. *pp.* 319-320.]

Aug. 15. Whitehall **717.** Council of Trade and Plantations to Sir Thomas Trevor, Attorney-General. Enclosing Acts of the General Assembly of Barbados from Aug. 9, 1698 to May 1699, and desiring his opinion on the new ones, viz. those passed between Nov. 4, 1698—May 26, 1699. The Attorney-General's opinion on the Acts of Barbados sent to him May 1698 is also requested. *Annexed*,

717. I. List of Acts passed at a General Assembly in Barbados, Nov. 24, 1698—May 26, 1699.

(1) An Act for laying an imposition on wines and other strong liquors imported this island, Nov. 24, 1698.

(2) A supplemental Act for the provision of servants, Nov. 29, 1698.

(3) A declarative Act to an Act intituled, A Supplemental Act for the Provision of Servants, February 1, $169\frac{8}{9}$.

(4) An Act to repeal a clause in an Act intituled an Act to ascertain the Duty of Masters of ships and merchants for the payment of an impost of powder on the tonnage, and a supplemental clause to the said Act, April 6, 1699.

(5) A supplemental Act for the further provision of white servants, May 18, 1699.

(6) An explanatory and additional Act to an Act intituled a Supplemental Act for the further provision for white servants, bearing date May 18, 1699, May 26, 1699. [*Board of Trade.* Barbados, 44 A. *pp.* 315, 316.]

1699.

Aug. 15. **718.** Minutes of Council of New York. East India goods in the Custom house from on board Capt. Kidd's sloop inventoried and ordered to be sent to the Governor at Boston. Letter of M. de Calieres, Governor of Canada, communicated. The King's letter about the Indian affairs, read. Col. Peter Schuÿler and Robert Livingstone ordered to send a belt of wampum to the Five Nations, and summon them to a conference at Albany, for which propositions were ordered to be prepared. Petition of Jaspar Scheurman, passenger on the Scotts ship, to bring his clothes on shore, granted. The *Fortune*, being designed by the Governor to carry Naval Stores to England, ordered to be taken to Tuttle Bay and there preserved. Letter for Domine Dellius from Canada now in the hands of Mr. Nucella ordered to be sent to the Board.

Contract ordered for providing firewood for the fort at Albany. £40 ordered to Isaac Casperson for half a year's supply, and £13 to Thomas Wenham for two barrels of powder given to the Indians. £75 1*s*. 7½*d*. paid to Robert Livingstone for provisions, etc. given to the Sachims at Albany in June.

Aug. 16. The L.G. took the oath to observe the Acts of Trade. Two of Kidd's crew, who professed to be innocent of piracy, allowed to come to New York on bail to give information about the receivers of Kidd's goods. [*Board of Trade.* New York, 72. *pp.* 268-271.]

Aug. 16. Maryland. **719.** Governor Blakiston to Council of Trade and Plantations. The General Assembly met June 28. The sessions continued three weeks and the reason of its long duration was the great trouble in revising the whole body of Laws according to H.M. Instructions. Several they have continued as formerly and made some alterations in others, copies of which I have herewith sent. I hope you will find by the Journals of Council and Assembly I have herewith sent that the Province hitherto as appears by their representatives have all the marks of content they could hope for under the conduct I am entrusted withal, which will more particularly be demonstrated by the enclosed address to His Majesty of the good agreement which was kept afoot by myself, the Council and General Assembly. I think myself obliged to give you an account of a pirate of 24 guns and 12 patareros that has lately infested the Capes of Virginia and taken several ships trading thither as well as this Province and further, it is reported here, engaged and drove in the man-of-war which lies as a guard ship to Virginia. *Signed*, N. Blakiston. *Endorsed*, Recd. Nov. 16, Read Nov. 21, 1699. 3 *pp.* *Enclosed*,

July 22. 719. I. Copy of a loyal address of the Council and Assembly of Maryland to the King. 2 *pp.*

719. II. Copy of an Association to defend His Majesty's most sacred person and Government against the late King James and all his adherents. *Signed*, N. Blakiston, Henry Jowles, Thomas Tench, John Addison, John Courts, Thomas Brooke, James Frisby, John Hammond, Thomas Tasker, Charles Hutchins, Robert Smith, Francis Jenkins, William Dent, Attorney-General; W. Bladen, Clerk of the Council; Thomas Lawrence, Secretary; John Addison and Thomas Brooke, Judges of the Prerogative Court; Thomas Smithson, Speaker of

1699.

the House of Delegates; Thomas Waughop, William Taylard, John Lowe, Jacob Moreland, Thomas Bale, Abra. Miller, Thomas Smith, John Whittingham, Symon Willmer, Richard Hill, Samuel Young, James Sanders, John Worthington, James Cranford, Walter Smith, Elisha Hall, James Smallwood, senr.; Philip Hoskins, Benjamin Hall, Philip Briscoe, John Hall, Thomas Staley, George Ashmans, James Philips, Edward Lloyd, Richard Tilghman, William Harris, John Thompson, Hans Hanson, John Carvile, William Hutchison, Ninnian Beale, Thomas Greenfield, Thomas Ennalls, Thomas Hicks, Jacob Lockerman, Walter Campbell, John Leach, junr., Samuel Collins, Walter Lane, William Whittington, John Boremane, Chr. Gregory, Clerk of the House of Delegates. [*Board of Trade.* Maryland, 3. *Nos.* 71, 71 I., 71 II.; *and* 9. *pp.* 413-415; *and* 15. *p.* 477; *and* 14. *p.* 490.]

Aug. 16. Whitehall. **720.** Council of Trade and Plantations to the Earl of Jersey. We have lately received a letter from Mr. Grey, Governor of Barbados, wherein he writes that H.M.S. *Speedwell* had by his order been upon her cruise, and putting into the Island of Sta. Lucia, one of those comprized in his Government, did find it to be inhabited by some French, who had negroes daily employed in order to that settlement, whereupon he desires to lay the matter before His Majesty. We have endeavoured to look into the English title and French claim to the said Island, and have found in the books in our custody the copy of a letter from the late King James to the Lieutenant-Governor of Barbados, dated April 1, 1688, in which mention is made of Commissioners appointed by King James and the French King respectively for settling and determining the bounds and limits of the English and French Colonies and territories in America (*Cal. A. and W.I.*, 1688, *No.* 1681), and of an instrument signed and sealed by the said Commissioners for preventing hostilities or violent proceedings between the respective subjects of both Crowns in those parts, but we do not find any copy of it. Upon supposition that it may throw light upon the state of the dispute about that island we desire your Lordship's favour in helping us to a copy thereof, and that you would be pleased to inform us whether the foresaid Commissioners did come to any conclusion in settling the bounds and limits of the English and French Plantations in America. *Signed*, Ph. Meadows, John Pollexfen, John Locke, Abr. Hill. [*Board of Trade.* Barbados, 44 A. *pp.* 317, 318.]

Aug. 17. **721.** Minutes of Council and Assembly of New Hampshire. John Hinckes and Robt. Elliott signed several depositions about the *Hopewell.* Accounts of Sampson Sheafe referred to a Committee. Joint Committee appointed to examine the accounts since John Usher took the Government upon him. Sheafe ordered to deliver up the public records to Charles Story, the new Secretary. Several Acts signed by H.E. The Assembly was prorogued till Sept. 18. [*Board of Trade.* New England, 49. *pp.* 532-535.]

Aug. 18. Whitehall. **722.** Journal of Council of Trade and Plantations. Their Lordships resolved to consider the depositions of Theophilus Turner sent to them by Mr. Secretary Vernon, when they have notice what has been resolved by the Lords Justices upon their last representation about pirates in Pennsylvania and West New Jersey. [*Board of Trade.* Journal, 12. *pp.* 148, 149; *and* 96. *No.* 130.]

Aug. 18. Portsmouth. **723.** Minutes of Council of New Hampshire. Charles Story took the oath as Secretary, and Richard Waldron, Henry Dow and Theodore Attkinson as Justices of the Inferior Court, and Henry Penny as Clerk of the same. All officers, civil and military, ordered to be summoned to take the oaths. [*Board of Trade.* New England, 49. *pp.* 537, 538.]

Aug. 18. Ipswich. **724.** Minutes of Council of Massachusetts Bay. Justices took the oath. [*Board of Trade.* New England, 49. *p.* 231.]

Aug. 18. **725.** Minutes of Council of New York. Petitions of the Mayor &c. of New York and of Michael Hawdon read and recommended to the Governor. Petition of Richard Veizy against Capt. Robert Drummond read. Both summoned to appear before the Board. Payments ordered to Jean Rosie, Abraham Schuyler and Fraer Arnot for their journey to Canada, and to Jan Baptist van Epe for his journey to Onnondage. Col. Abraham Depeyster's account with the *Fortune* ordered to be audited. Petition of Peter Villeponteaux read. Mr. Boudett ordered to send in his defence. A scheme for erecting Courts of Judicature approved and ordered to be printed. The L.G. was desired to send for the Governor's *fiat* for a commission of Oyer and Terminer for the trial of an Indian who had burnt a barn in the County of Suffolk. Payments ordered for work on the new buildings in the Fort. [*Board of Trade* New York, 72. *pp.* 271-273.]

Aug. 21. **726.** Council of Trade and Plantations to Governor the Earl of Bellomont. We have received your letters of Dec. 12 and May 29, and have written to you Feb. 2 and June 26, sending duplicates. We are a little surprised that we have no account from you of the receipt of any of our letters but that of Feb. 2. In order to show you what use we have made of all the information you have given us in our letters we send you copies of our Representations and Orders in Council resulting on those subjects (*enumerated*, Oct. 19, 25, 27, 1698; Nov. 3, 1698; Feb. 4, 1699; May 2, March 9, March 16, Dec. 21, 1698; Jan. 5, 1669; Aug. 11). We made no order at all upon the merchants' memorial, March 10. We have made several memorials upon the French claims and encroachments for the use of the Commissioners appointed to treat with the French Commissioners who were here this last winter. Till all those matters be finally determined we desire your Lordship to have still your eyes upon the practices of the French and to give us information. As to Perth-Amboy, the Proprietors of East New Jersey, thinking they might have some advantage by complaining of your seizure of the *Hester* petitioned his Majesty upon that subject (March 9). Whilst we had the matter under consideration the Proprietors laid before us other memorials in which they offered some conditions in order to compromise the dispute, but such as we did noways think it for His Majesty's service to accept of. Therefore in our representation of April 18 we made use of their proposal of a trial about the Port of Perth-Amboy by bringing their right of Government into the same question—a matter in which they are very tender as being sensible of the weakness of their title, and we therefore thought it best to join both together. Hereupon, after long delays and after having in vain endeavoured in the name of the Proprietors of West New Jersey (who are for the most part the same persons) to draw us into a snare, by desiring our opinions for the approbation of Mr. Hamilton to be Governor of West New Jersey, that so our allowance of the one might have been an argument for the other, because their title to both is one and the same ; they have in the end laid before us certain proposals for the surrender of East New Jersey, but we have not yet thoroughly considered them. However, there appearing to us several obvious exceptions against what they propose, and great difficulties in settling the matter to their satisfaction and without prejudice to His Majesty's right and to the interest of the Province of New York, we are apt to think that business may hang yet some time longer in suspense. We send a copy of their proposals and desire your observations thereupon, how far any of them will be advantageous or disadvantageous to the Province of New York. In the meantime we can offer no other rule for your conduct towards those provinces than what His Majesty has already given you.

With reference to your question about sending home pirates (July 1, 1698), especially when you have not evidence sufficient to convict them, we expect shortly some Order of the Lords Justices in Council upon our representation of Aug. 10. In your letter of July 7, 1698 you desire to know whether the Act against privateers and pirates now in force at New York be esteemed sufficient, or that you should endeavour to get another more conformable to the Jamaica Act. We should have been glad that you had informed us how the Act now in force has been observed, and with what effect, as we desired by the queries enclosed in our letter Aug. 26, 1697. We do not find the difference between the Acts to be very great. If you find any defects and can procure another to strengthen that now in force you will do well. Mr. Livingston's case mentioned in your letter, June 28, 1698, has not lately been sollicited here, and therefore we let it rest, supposing it may have been finished at New York.

The reduction of the forces at New York takes away the reason offered in your letter of Sept. 21, 1698, from the consideration of the charge you might be at in sending for recruits from hence, for representing that you and the other captains may be paid for full companies, because it is supposed that by the reduction of each company to half the former number, there will be men enow there. And as for the deduction of the 30 per cent. we can add nothing to what we writ you Nov. 12, 1697, but that, having several times since deliberated upon it as a hardship that we wish might be remedied, we have not found any possibility of obtaining our desire. As to the recalling of the two men-of-war from New York, you will already have seen the effect of our representation.

We observe that you write about the factious disposition of the French and the sollicitation made by 33 of them at one time to be endenized, in which we cannot but think your cautions rightly grounded, but can give you no rule, as no resolution has been taken upon our Representation relating to Arnold Nodin. We have sent a copy of your letter, Nov. 7, 1698, about the revenue of New York to the Treasury. We do not find in Col. Fletcher's commission any power given him to grant an extravagant charter like that to the town of West Chester (Nov. 12, 1698). If the charter contains a power of life and death by interpretation of any expression in it, that power is absolutely contrary to the article in his instructions, which is the same in yours, forbidding him *to erect any Court or office of judicature not before erected or established without His Majesty's special order.* Therefore we desire you to inform us what inconveniences arise from the Charter. As for the disorders in New Hampshire (Dec. 14, 1698) we are very sensible that they have been great and that there have been faults on both sides, long before Mr. Allen's arrival there, which may perhaps have given occasion to those that he has committed since; wherefore, before we can either represent anything further or give you further advice, we must expect your report on what we writ you Aug. 26, 1697.

As to the want of an able Judge and some other learned lawyers (Dec. 15, May 29) we have taken the method you proposed. As the evident obstacle against sending over such persons does lie in the want of sufficient encouragements for them, the surest way to obtain what you desire will be by proposing what encouragement may be depended upon by them.

We are very glad to understand the success you have had in vacating some of the extravagant grants of land made by Col. Fletcher and hope you will have the like success in your endeavours to vacate the rest of them. What you hint also (May 29) about Naval Stores from New York is very acceptable to us, and we long for the arrival of that letter which you say treats wholly upon that subject. In your circular letter to the Justices of the Peace, we think you would do better, instead of the first words, "His Majesty's Council and myself have thought it better," to use the stile that "You with the advice of H.M. Council." We send copies of a representation (July 13) and order about stores for New York, but know not what has been done thereupon.

We shall be glad to hear, now that you are in New England, whether you can there procure, or propound unto us any proper methods whereby we may procure some part of the stock of the Corporation for evangelising Indians, to be employed towards the instruction of the Five Nations (Jan. 5th and July 1st, 1698). Meanwhile let us know how that stock is employed. We desire a list of the present Council of New York, and of names of persons to fill up vacancies and their characters. *Signed*, Ph. Meadows, Jno. Pollexfen, Jno. Locke, Abr. Hill. [*Board of Trade.* New York, 53. *pp.* 322-337; *and* 44 A., *No.* 31. (18 *pp.*) *Rough draft.*]

Aug. 21.
Barbados.

727. Governor Grey to Council of Trade and Plantations. I received your packet of June 26 on the 10th instant. At the next meeting of the Council and Assembly I shall communicate your Lordships' letter to them, and will by the first ships that depart hence give you a particular account how all the patent places are held and managed here. I have found great inconveniences arise from the Patentees not officiating in their persons. Since the arrival of H.M.S. *Speedwell*, Capt. Barker, commander, she has been constantly employed in cruising (these parts being very much infested with pirates), and I am well satisfied his Majesty's interest has suffered more since my accession to the Government for want of another ship of force than would have built a good fifth-rate; and I must offer this to your Lordships in favour of the Captain, that were the ship as fit for his Majesty's service, I should never desire to change. But I will not further insist, but will submit to such directions as I receive.

The enclosed paper relating to the ship *Adventure* clandestinely carried away from the island Nayas in East India, with a list of the names and description of the persons who went off with her, I shall strictly enquire into, and, if any such vessel or persons come within my province, I shall proceed as your Lordships have directed me. As requested I shall at the first opportunity send a list with the names of such persons whom I think best qualified for his Majesty's service to act as Councillors here. Mr. Bond, the first member of the Council, died the beginning of this month, so now there remains but eleven upon the place. The ship being just upon her departure I have not time to answer all the particulars contained in your letters. As to the petition of Mr. John Tucker and others, I shall give all convenient dispatch. I will acquaint the Assembly at their next sitting that the *Act to declare and ascertain the rights and powers of the General Assembly* is by his Majesty's command repealed and declared void. I return your Lordships thanks for your favourable report to his Majesty on account of the present made me by the country and likewise the settling of £500 a year for a habitation, which I hope your Lordships will not impute to any desire of my own, but what they frankly of themselves gave, by reason that at my arrival there was no habitation either built or hired, fit for a Governor to live in, and the only reason for not observing that part of my instructions, which relate to the building of a convenient house for a Governor and other public matters, was that I found the island very much in debt, not anyways occasioned by ill husbandry, but by the great and apparent losses they sustained during the war, and the vast expenses they were at for the defence of the Island, and supplying the same by taking off all the servants that were brought hither in merchant ships after the rate of £18 sterling a head, which the inhabitants were obliged to receive to make good the great mortality here, without which they could not have subsisted.

The forts, which are many, are now very much out of repair, which is the first thing to be considered, and, notwithstanding the present poverty of this island, I find the inhabitants very willing to have them put in such order as shall be thought most for His Majesty's service. If the peace continue and we have good crops, I hope in a year or two we shall find ways and means to get out of debt, and then with submission to your Lordships' better judgments, I believe it will be the most proper time to propose that a house be built for the Governor, but if your Lordships will have me offer it sooner, I shall most readily comply.

The representation your Lordships have been pleased to send relating to Tobago must ever be acknowledged as a great favour done this island, for in my opinion the settling of that place will be instrumental to the ruin of this. *Signed*, R. Grey. *Endorsed*, Recd. Oct. 31, Read Nov. 3, 1699. *Four large pp.* [*Board of Trade.* Barbados, 8. *No.* 22; *and* 44 A. *pp.* 351-354.]

Aug. 21. **728.** Journal of Council of Trade and Plantations. Letter to Lord Bellomont signed by those present and ordered to be sent to Sir Philip Meadows at Epsom to sign.

Secretary ordered to write to Col. Quary that representations have been made upon his letters.

Letter from Mr. Randolph, Aug. 2 last, read.

Certificate from Mr. Richard Cary relating to runaway negroes in the Leeward Islands and other papers thereon considered.

Aug. 22. Letter to Col. Quary approved.

Memorial of Robert and Catherine Richardson read. Letter to Governor Grey on the subject ordered.

Letter from Governor Blakiston, Maryland, May 20, read. Answer considered.

Mr. Yard and Mr. Haman, one of the Lord Chancellor's gentlemen, asking the opinion of the Board about the draft of a Patent for the Secretary's place at Barbados, were informed that the words in Sir Thomas Laurence's old patent and Mr. Laurence's present patent, Sept. 20, 1698, were very proper.

Aug. 23. Directions for an answer to Col. Blakiston's letter given. Opinion of the Solicitor and Attorney General again demanded about the English ship at Venice from the West Indies.

Letter from Lord Jersey, saying that the papers relating to Sta. Lucia were not to be found in his office, read.

Copy of Mr. Baber's Patent for the places of Secretary and Commissary of the stores in Jamaica read. [*Board of Trade.* Journal, 12. *pp.* 149-154; *and* 96. *Nos.* 131-133.]

Aug. 22. Whitehall. **729.** William Popple to Robert Quary. The Lords Commissioners for Trade and Plantations have received many letters from you. They have not been hasty in answering because it was necessary to take His Majesty's or the Lords Justices' directions. This obliged them to hear Mr. Penn several times in order to their report. They have laid a representation before their Excellencies and did expect to have received their orders thereupon before Mr. Penn's departure and then to have writ you themselves. But there has not been a Council for some weeks and Mr. Penn is gone before any orders are given. I am to give you this account that you may not wonder at your not receiving letters from the Board, who as soon as their Excellencies' resolution is signified to them, will not fail to signify unto you what is necessary. [Sent forward by the *Canterbury Merchant.*] [*Board of Trade.* Proprieties, 26. *pp.* 80, 81.]

Aug. 22. Whitehall. **730.** Order of Lords Justices in Council, approving the representation of the Lords Commissioners of Trade and Plantations with a draught of instructions for Governor Codrington. *Signed*, Edward Southwell. *Endorsed*, Recd. Aug. 26, Read Sept. 5, 1699. [*Board of Trade.* Leeward Islands, 6. *No.* 37; *and* 45. *pp.* 402, 403.]

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731. Earl of Jersey to Council of Trade and Plantations. In answer to your letter of the 16th of this month, search has been made in my office for the papers you mention relating to the Island of Sta. Lucia, but none of them can be found there, which makes me conclude these matters were all transacted and entered in the books of the Committee of the Council, which had then under their care the management of the affairs of the Plantations. *Signed,* Jersey. *Endorsed,* Recd. Read Aug. 23. [*Board of Trade.* Barbados, 8. *No.* 14; *and* 44 A. *p.* 321.]

Aug. 22.
Whitehall.

732. Order of the Lords Justices in Council, referring the petition of Richard Bate to the Commissioners of Trade and Plantations to examine and report thereon. *Signed,* Edward Southwell. *Endorsed,* Recd. Read Aug. 31, 1699. *Enclosed,*

732. I. Petition of Richard Bate. Dr. De la Rouze purchased a plantation and negroes in Barbados, and obtained a grant of confirmation for the same from Lord Willoughby of Parham in 1666. In 1667 he left all his estate to the petitioner's father. The petitioner for payment of his father's debts and raising of younger children's portions has lately contracted for sale of the said estate to one Mr. Gascoigne, and had proceeded to a sale thereof, had not one Williams and one Bowles induced the Attorney General there to sue the petitioner there for the estate on pretence that the said Dr. de la Rouze, being an alien, the same is escheated to the King. The petitioner prays that a *noli prosequi* may be entered to the said suit. *Copy. Signed,* Edward Southwell. 2 *pp.* *Enclosed,*

732. II. Affidavit of William Hart, of the Inner Temple, Esq., lately Secretary to Mr. Grey in Barbados, to the effect that Richard Bate and his father had been peaceably possessed of the Plantation Delarouze for 30 odd years. Mr. Richard Bowles, the escheator, has been very troublesome to several gentlemen in the island. *Copy.* 2 *pp.* *Signed,* Edward Southwell. [*Board of Trade.* Barbados, 8. *Nos.* 15, 15 I., 15 II.; *and* (*without enclosures*), 44 A. *pp.* 322, 323.]

Aug. 22.
Whitehall.

733. Order of Lords Justices in Council, approving the estimate of the Ordnance office for Stores for New York, £472 to be paid out of the Revenue of New York. *The flock beds cost £2 each and the sheets* 10*s. a pair.* *Signed,* Edward Southwell. *Endorsed,* Recd. Aug. 26, Read Sept. 5, 1699. 1 *p.* [*Board of Trade.* New York, 8 A., *No.* 39; *and* 53. *pp.* 340, 341.]

Aug. 22.
Whitehall.

734. Order of Lords Justices in Council, referring the appeal of Isaac Richier to the Council of Trade and Plantations. *Signed,* Edward Southwell. *Endorsed,* Recd. Oct. 23. Read, Oct. 25, 1699. ½ *p.* *Enclosed,*

734. I. Petition of Isaac Richier, relating to his appeal from two actions in Bermudas, praying that Nicholas Trott may give security to pay costs etc. and that a day may be appointed for hearing the cause. *Copy.* 1½ *pp.*

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735. Duplicates of above. [*Board of Trade.* Bermuda, 3. *Nos.* 45, 45 I., 46; *and* 29. *pp.* 228-230.]

Aug. 22. **736.** Minutes of Council of Montserrat. A negro belonging to the Hon. Col. Thomas Delavall (Lt. Governor), convicted of burning a house belonging to his master, condemned to death. [*Board of Trade.* Leeward Islands, 64. *p.* 545.]

Aug. 23. **737.** Copy of John Baber's Patent for the places of Secretary and Commissary of the Stores of Jamaica. *Endorsed,* Recd. Aug. 17, Read Aug. 23, 1699. [*Board of Trade.* Jamaica, 8. *No.* 129.]

Aug. 23. **738.** Minutes of Council of New York. £588 19*s.* 0½*d.* paid to Col. Abraham Depeyster on account of his payments for the *Fortune.* Mr. Secretary Vernon's letters, Nov. 23 and 26, 1698, about seizing Kidd's goods etc. read. Sherif of Queen's County ordered to seize Gillam. Leave was granted to William Paterson to bring his baggage on shore. Petition of Granada, a Spaniard, read. Capt. R. Drummond ordered to appear. Petition of Tho. Worden, read. Thomas Parmyter ordered to appear.

Richard Veizy ordered to be discharged from the Scotch ship. The difference in an account between Allete Doornes and George Sydenham referred to a Committee. Order of Council, Dec. 26, 1695, repealing the Habeas Corpus Act at Massachusetts Bay (1692), communicated to the Board.

Aug. 25. Cornelius Quick committed for landing goods on the Island Nassau from Kidd's sloop.

Aug. 26. Proclamation ordered for seizing Edward Buckmaster, a pirate that broke prison last night. John Tuthill (*see* July 31) was examined. [*Board of Trade.* New York, 72. *pp.* 273-276.]

Aug. 24.
Jamaica.
739. Governor Sir William Beeston to Council of Trade and Plantations. My last I writ June 24th which I hope is long since laid before you. The Scotch are quite removed from Callidonia, most of them dead and the rest in so lamentable a condition that deserves great compassion, one of the ships being now here and in great want. I have now received commands from His Majesty to disband the Company of Foot was here and they are disbanded accordingly and set themselves to employments in the country on which they live very well. The country has this year held hitherto very healthy, only the seamen on Rear-Admiral Benbow's ship die very fast, to supply which he impresses not only from the merchant ships but also our people of the country and exercises his authority as if there were no other here, which I believe Mr. Heathcote and the merchants will lay before you, because it again undoes the settlement of our island, causes our people to run away from us and will keep others from coming to us with necessaries and spoils the trade. I hear Mr. Lloyd has troubled you again with his envious complaints against me. I know not what they are and therefore cannot now answer to them, but doubt not but, being the effects of his ambition and great ingratitude to me, who raised him to all he is, they may easily be contradicted, and I doubt not in your Lordships' justice, that you should credit one single envious man, who has not one

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that I hear of to second his complaint, before the unanimous representation of the whole country. *Signed*, Wm. Beeston. *Endorsed*, Recd. Nov. 22. Read Dec. 5, 1699. [*Board of Trade*. Jamaica, 8. *No.* 130; *and* 56. *pp.* 406-408.]

Aug. 24. Boston. **740.** Governor the Earl of Bellomont to the Council of Trade and Plantations. My removal from N. York is not to exempt me from giving you accounts of that Province, my L.G. relying upon me for that performance. I formerly writ your Lordships that I with the Council had reversed a judgment given by Col. Fletcher and the Council against Widow Wandall in favour of one Alsop, it appearing to us that she was wrongfully ejected out of the estate left her by her husband Thomas Wandall. I send you the papers on the case, for I hear Alsop intends to appeal. While I staid at York, neither Alsop nor his Counsel sued for an appeal to England. I know not by what infatuation the Lt. Governor and Council have now refused it to them, which indeed was a very wrong step, but I hope you will excuse my L.G., who was as I understand misled by H.M. Council. One would think Mr. Graham, who now sits at the board as a member of H.M. Council and is besides H.M. only sworn Counsel at law in that province, should have known better than to advise the refusing it upon this foolish notion, that the judgment of Col. Fletcher being reversed by me and the Council during the session of Assembly, we were then a Court of Judicature and our jurisdiction superior to that of the Governor and Council at other times. The refusal of an appeal to H.M. in Council in any case where the value appealed for is £300 or upwards, as the King's Letters Patents direct, seems to me the thing in the world most derogatory to the prerogative of the Crown in this Province, and may prove of ill consequence should it be practised, but so long as I am entrusted with these provinces by the grace of God there shall be as little done to hurt the dependence they have and ought to have on the Crown as possible. I have writ to rebuke my L.G. for that slip and to give Alsop immediate notice he shall have liberty to bring his appeal. To let you see how unruly and lawless people are and what necessity there is that the public Justice be settled on a better foot, about a month ago, after Widow Wandall was restored to the possession of her husband's estate by a writ of possession, Alsop brings above thirty men in the night upon her ground and cut and carried away eight acres of corn.

Piracy does and will prevail in the province of N. York, unless three things be done out of hand:—good Judges and an honest, able Attorney General from England; a man-of-war commanded by an honest, stout captain, and pay and recruits for the four companies. Capt. Giles Shelley has so flushed 'em at N. York with Arabian gold and E. India goods, that they set the Government at defiance. My L.G. is under great discouragement; he would punish Shelley if he could, but he has not a man to advise with; those that are honest are not capable, and those that are capable, and whose duty it is, are false and corrupt. When any seizures are made and that they are brought to trial, the King is sure to be cast, the informations being always lame, as Mr. Hungerford, the collector, and Mr. Parmiter, the naval officer, have often complained to me. Everything is wrong for want of honesty (chiefly) in the officers of justice, and your orders to suppress unlawful trade can never be complied with, if you will not afford me the means. Had there been a man-of-war at York, Shelley and his pirates in all probability had been taken, and £50,000 in money belonging to them; and for want of a man-of-war I could not attempt anything against a great ship that hovered off this coast five or six days together, about the time I secured Capt. Kidd, supposed to be one Maze, a pirate, who is said to have brought £300,000 from the Red Sea, and who, 'tis believed here, would have come into this place could he have hoped to make his terms, but hearing how it fared with Kidd, he bore away, and 'tis said he is gone to Providence. I have had a letter from Col. Markham, Governor of Pensilvania, wherein he writes that he has two of Kidd's men in gaol. I have writ to him to keep 'em in gaol till he receives orders from the King how to dispose of them. I hear he has seized a good deal of money with them, but he says not a word of that. Mr. Basse, the Governor of the Jerzeys, has also got some pirates with a good store of money at Burlington in W. Jerzey. I hear they were of Kidd's men too. The Governor of Maryland, I hear, has also seized pirates and their money. All these were brought from Madagascar by Shelley and were a good many of 'em Kidd's men, that forsook him and went on board the *Mocha* frigate. If it be intended those men and their money shall be secured in the same manner Kidd and his men that came hither were, and their effects, then it will be proper that orders be sent accordingly. Otherwise the forenamed Governors will keep the money and the pirates will escape. I send papers concerning these pirates. Upon the first news of Shelley's arrival at York, I advised with one Mr. Newton, a lawyer, and reputed the best that's in this country. He was positive that by 28 Hen. VIII. Shelley and his men might be committed to prison without bail or mainprise and so I ordered my L.G. to commit 'em, who called a Council, and Mr. Graham, after being equally positive in the morning, changed his opinion and influenced the Council, so that Shelley is upon bail only and his ship's crew untouched. My L.G. makes a scurvy reflection of what he supposes might have been a prevailing argument with Mr. Graham, to have been Mr. Graham in the afternoon against Mr. Graham in the morning.

We have had news here by three several posts from Philadelphia and N. York of a fight between the *Essex* prize, a frigate of 16 guns and 70 men and a pirate ship of 26 guns and about 150 men supposed to be Hynde of N. York. The fight lasted four hours and the frigate having lost 40 men was forced to bear away. We have had two or three ships belonging to this place robbed off Newfoundland by a pirate ship of good force and that within these 5 or 6 weeks. They told these ships that they designed for the Red Sea. If I had a 4th-rate ship here and a 5th-rate at N. York I would undertake to secure all the coast from Pescataqua to the southernmost point of Carolina from pirates, especially if the Captains were honest fighting fellows, for I would keep them constantly cruizing all the season of the year that ships can live on

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this coast. A 4th-rate would terrify the pirates exceedingly; many of their ships are a match for a 5th-rate.

I desire to be directed by your Lordships may I not lawfully require bonds of all the ships that go from hence and N. York on trading voyages, that they shall not go to Madagascar nor elsewhere where pirates frequent? I know 'tis a thing sometimes practised to take the Governor's pass for one port and sail to another, and that trick was served me last summer at N. York by Baldridge and Taylor, who fitted out a brigantine and took my pass for Antegoa, but I was told their design was for Madagascar or Guinea. When the briganteen was at sea, whether with or without the privity of the owners I cannot tell, she turned pirate and went to Newfoundland and robbed ships. Kidd told me when I examined him in Council that Baldridge was the occasion of the insurrection of natives in St. Mary's near Madagascar and the death of the pirates there. For having inveigled a great number of the natives on board ship he carried and sold them for slaves to a French Island called Mascarine, or Mascaron; which treachery the natives on the island revenged on those pirates by cutting their throats.

I did intend to winter at N. York, for I have little to do here at Boston; and I have done all the service I was able at N. Hampshire, but I am so discouraged from going thither to be affronted and have the King's authority trampled upon, that after my return from Rhode Island, whither I am going ten days hence, I intend to return and stay here till I receive your Lordship's orders, as to the Naval Stores, etc. I have writ to my L.G. to prorogue the Assembly to the 10th of next April.

The Naval Officer at N. York writes to me that the Revenue Acts drawn and passed this last session are so very lame and insufficient that the merchants take advantage and import goods that are contraband, and by that means and the corruption of the officers, the Revenue dwindles very much.

The methods I promised (Ap. 17) to propose for encouraging the soldiers not to desert, as they now do every day, and to work, which they are very unapt to do, is that the lands granted to Mr. Dellius, etc., should be distributed among the officers and soldiers, each private centinel after 7 years service to have 40 acres of land to him and his heirs and liberty to quit the service; reserving to the Crown a quit-rent of half-a-crown for every 100 acres, as the Lords Justices directed Nov. 10, 1698; to every corporal and drummer 50 acres; to every serjeant 60; to every lieutenant 200; and to every captain 400. These lands to be unalienable by the soldiers to all persons except the King; for should they have the liberty to sell, they are generally so very idle and drunken that they would part with their land for a gallon of rum. By this means the country will by degrees be peopled and the frontier towards Canada strengthened. Had this method been practised 20 years ago, there had been this day 1,000 families on the land granted to Dellius, which would have been a force sufficient to make a stand against all the French of Canada and their Indians, had they a fort at the extreme end of the land granted to Dellius. If the rest of the extravagant grants of land

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are to be broke, I believe it must be done by Act of Parliament in England, for I am a little jealous I shall not have strength enough in the Assembly of N. York. The members are landed men and when their own interest comes to be touched, 'tis more than probable they will flinch. I would have all such as have lands already to pay a quit-rent of half-a-crown English out of every 100 acres, unless they be under covenants already to pay the Crown a greater quit-rent, as I understand some few are obliged to pay 4*s.* per 100 acres or a bushel of wheat and that by one of the first Governors. I would have a clause in the Act that no man should be allowed to hold above 1,000 acres, which will mightily reduce our Palatines, Smith, Livingston, and Phillips's, father and son, and six or seven more. Every acre costs £4 10*s.* to clear from woods, or £4,500 per 1,000 acres, which is more than most of those grantees are either able or willing to expend. So that 'tis plain those vast grants have proceeded as well from a sordid covetousness of the grantees, as from the treachery and corruption of some certain Governors. In my humble opinion there is an equity for the Crown that such rules should be established, for in the late Duke of York's time he gave a positive instruction that half-a-crown should be charged on every 100 acres at the least, and I think there was a law among those that were called the Duke's laws directing it should be so. For another reason it were best these regulations were settled by Act of Parliament in England, because the parties concerned would more willingly submit to the authority of it. Without this is done 'twould be in vain to go about to provide Naval Stores in the province, for the King has not the power to cut on those lands a tree for any use whatever. If Parliament will encourage the provision of Naval Stores—the most valuable and useful thing in the world for England—there will be a necessity of giving the King the sole right of all the woods, reserving to the inhabitants the liberty only of houseboot, fireboot, hedgeboot and ploughboot. And a barbarous custom must be forbid under a severe penalty; in the dry times the people burn the woods to clear the land, and often where a man has a design to clear but 10 acres the fire shall continue 20 times as much. The present proprietors must not be allowed to choose where their 1,000 acres shall be set out to them, for that would spoil this whole design; as for example Fred. Phillips and his son and most of those grantees have their lands lying on Hudson's River; the river it is that makes the land valuable; they would take the lands that lie to the river, and that which lies backward from the river will be worth no man's acceptance, and will be waste as long as the world stands. I should humbly propose that Commissioners from England be appointed for setting out those and all other lands in that province, or that the Governor, L.G., Collector, Secretary and Surveyor General for the time being (the Surveyor General always to be one) or any three of them be entrusted to do it. Some part of the land up Hudson's River being mountainous and of little value, it were proper to do as was done by the Irish Act of Settlement, whereby all the lands were divided into profitable and unprofitable, the latter being free from quit-rent.

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I forgot to acquaint you that the King had but one piece of ground in the City of N. York, where there was a battery of cannon and a strong blockhouse which defended both the town and river on the east side, and that ground Col. Fletcher granted away to the late knavish sheriff of N. York, Ebenezer Wilson, and that in the very heat of the war. Wilson sold it for £550 to persons that have since built on it, and 'tis said that Fletcher had the greatest part of the money. The £550 ought to be brought as a charge against Fletcher in his account to the King, and in justice Wilson ought not to escape altogether. The battery and blockhouse were a better security to the town than the Fort is, for the cannon lay level with the water and pointed horizontally, whereas all the guns in the Fort lie about 40 foot above high water mark and so are capable of little execution. I have employed two men, one whereof is an able shipwright, to survey all the woods on Dellius' late grant and in the likely parts of that province. I send the minute of Council relating to the seizing of some few bales of E. India goods conveyed into Nassau Island and Connecticut Island from on board Kidd's sloop; also the convening four Justices of the Peace from Albany, friends of Dellius, who had privately at his house suborned two or three of the Maques Indians that are Christians to make a lying declaration in his favour; also the thanks of the Mohack or Maques Indians for our vacating Mr. Dellius' grant of their land.

Mr. Livingston acquaints me that some Frenchmen from Canada and some of our own people bring great quantities of French silks and other goods to Albany from Canada which they convey to N. York. I can no more prevent that trade than I could their sending several horses and mares from Albany last winter to Canada. Till justice be well settled, people will be lawless. I send all the papers containing the transactions with our Five Nations of Indians since those I last sent. The last, dated July 12, contains an insinuation by a Canada Indian to our Indians of a correspondence between the Governor of Canada and me designed to ruin our Indians; the folly and villainy of which I believe will meet with little credit with you. 'Tis so foolish an artifice that I cannot think the Governor of Canada capable of being the author: I rather suspect the Popish Missionaries.

Within this moneth there are two great ships come from Caledonia to N. York of 70 guns each. That settlement is quite destroyed; 700 of their people died, before these came away, of a contagious sickness. These two ships lost above 300 people in their voyage by that sickness; several other ships came out with them, which they fear are lost in a hurricane they met with at sea, which mightily shattered these in their masts and rigging. The want of fresh provisions they assign to be the cause of that sickness. The natives, they say, were very kind and promised to shew 'em some rich mines of gold. They believe the French will possess themselves of their fort, which they say will easily be made impregnable. We have advice from Nevis that the Scotch recruits passed by that Island for Caledonia. I have ordered my L.G. to let these ships have no more provisions than will carry them to Scotland. *Signed*, Bellomont. *P.S.*—I send the Minute of Council

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May 25th, received since writing this letter. I am almost persuaded 1,000 souldiers will make pitch and tar enough to serve the King's Navy and all England, if 7 or 8,000 tons yearly will suffice. I sent M. de Calliere, the present governor of Canada, the French King's letter directed to the Count de Frontenac enclosed to me by Mr. Secretary Vernon. 'Tis near a month since I received his answer to the letter I then writ to him. *Endorsed*, Recd. Nov. 22. Read Jan. 9, $\frac{1699}{1700}$. *Holograph*, $8\frac{1}{2}$ *pp*. *Enclosed*,

740. i. Abstract of preceding letter. 4 *pp*.

740. ii. Copy of the will of Thomas Wandall, Jan. 12, 1688. 2 *pp*. *Endorsed*, Recd. Nov. 22, 1699.

740. iii. Copy of the declaration of Theophilus Phillips, who drew Wandall's will upon his deathbed, as to the intention of the deceased. The words "goods and chattles" were intended to devise all his estate real and personal to his wife. 1 *p*. *Same endorsement.*

740. iv. Copy of an affidavit of Jonathan Hazard about Wandall's will. $\frac{3}{4}$ *p*. *Same endorsement.*

740. v. Copy of an affidavit of Benjamin Seavern about Wandall's will. $\frac{3}{4}$ *p*. *Same endorsement.*

740. vi. Copy of an affidavit of John Lawrence, about Wandall's will. $\frac{3}{4}$ *p*. *Same endorsement.*

740. vii. Copy of an affidavit of Thomas Codrington, about Wandall's will. $\frac{3}{4}$ *p*. *Same endorsement.*

740. viii. Copy of an affidavit of Johannes Lowerson, about Wandall's will. 1 *p*. *Same endorsement.*

740. ix. Copy of an affidavit of Johannes Lowerson, about Wandall's will. $\frac{3}{4}$ *p*. *Same endorsement.*

740. x. Copy of an affidavit of Susannah Elliot about Wandall's will. $\frac{1}{2}$ *p*. *Same endorsement.*

740. xi. Copy of Examination of Edward Buckmaster by the Hon. John Nanfan, L.G., June 6, 1699. The first land they made after leaving New York in the *Adventure* galley, Capt. William Kidd, commander, was the island Maderas, whence they went directly to Madagascar where they stayed about a month to victual and careen. They sailed thence to the islands of Johanna and Mahola, where they stayed two months, and thence along the shore of Magellena in the Red Sea. They took a ship on the coast of Malabar that had a French pass and a French Master and shared out of her four bales of calico each man. He left Capt. Kidd, May 31, 1698, and he and other pirates came home on the *Nassau*, Giles Shelley, master, paying 100 pieces of eight for his passage, which was the common rate. 2 *pp*. *Same endorsement.*

740. xii. Examination of Otto van Toyle by the L.G., June 14, 1699, who sailed with Hoar the pirate to Madagascar and returned on the *Nassau*, like Buckmaster (xi). The Dutch are so strong in the East Indies that they can fit out 100 sail at any time. There are above 170 privateers at St. Maries, who have fortified themselves there with palisades and great guns. $1\frac{1}{2}$ *pp*. *Same endorsement.*

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740. XIII. Copy of a letter from John Nanfan, L.G. of New York, to Lord Bellomont. June 5, 1699. Gives account of his proceedings upon notice of Shelley's arrival. *Concludes*, Kidd I am apt to believe is still in the West Indies; from Nevis a Master of a sloop tells me that the *Queenborough*, 5th-rate, is ordered after him, and two men-of-war from Jamaica. He will be a purchase worth seeking, for Livingstone assures me that he has on board in bullion near half a million sterling. Encloses copy of letter fron Gov. Bass. 1½ *pp. Same endorsement.*

740. XIV. Copy of a letter from Gov. Bass to the L.G. of New York, Burlington, May 30, 1699. About Shelley's arrival with pirates and £50,000 on board. ½ *p. Same endorsement.*

740. XV. Copy of the Minutes of Council of New York, June 5, 1699, upon the information about Shelley. ½ *p. Same endorsement.*

740. XVI. Copy of the Minutes of the Council of New York, July 5, 1699. *Same endorsement.*

740. XVII. Copy of Minutes of Council of New York, July 20, 1699. Carsten Luerse, and Hendrick Vanderheal, mariners of this city, declared that they had received into their sloop from Capt. Kidd's sloop under Gardiner's Island four bales and four chests. Two of these bales were delivered at Oyster Bay, one to Justice White and the other to Dr. Cooper; the rest were put on shore in Connecticut, near Stanford. High Sheriff of Queen's County, Nassau Island, ordered to seize the goods at the houses of White and Cooper; Luerse and Vanderheal ordered to go to Connecticut and bring down the other goods to the Customhouse, on promise of indemnity. Johannes Schuyler, Wessel ten Brook, Killian van Ranslaer, and Hendrick van Renslaer, Justices of Albany, suspended for suborning some Maquaes Indians to make a false declaration in favour of Mr. Dellius. Thanks of the Maquasse Indians for the restoration of their lands formerly granted to Mr. Dellius. 2½ *pp. Same endorsement.*

740. XVIII. Memorandum of copy of entries of all ships inward and outward cleared at New York, June 8, 1698—March 25, 1699.

740. XIX. Copy of an affidavit by Paroculus Parmyter about Mr. Clarkson, Secretary, striking him in the face in the Governor's house, June 14, 1699, for giving information against some East India goods lately seized. ¾ *p. Same endorsement.*

740. XX. Copy of Lord Bellomont's Instructions to Capt. John Nanfan, Lt.-Governor of New York. 2¼ *pp. Same endorsement.*

740. XXI. Copy of Minute of Council of New York refusing an appeal to Antill, on behalf of Alsop. ¾ *p. Same endorsement.*

740. xxii. Copy of a letter from the Governor of Canada, Aug. 6, 1699, to Lord Bellomont, about orders he had received to forbear hostilities till the boundaries be agreed. "I am sending back two Iroquois prisoners." *Signed*, Le Che$^{r.}$ de Calliere. ¾ *p. French. Same endorsement.*

740. xxiii. Copy of the Journal of Johannes Glen and Nicholas Bleeker of their transactions with the Onnondage Indians, about some of their people having been at Canada, March 20—April 21, 1699. 4½ *pp. Same endorsement.*

740. xxiv. Copy of the Journal of Arnout the Interpreter about his transactions with the Onnondage Indians, April—May 7, 1699. *Translated out of the Dutch.* 4½ *pp. Same endorsement.*

740. xxv. Copy of the report of Capt. John Schuyler and Capt. John Bleeker about their conference with the Indians at Onnondage Castle. *Similar to preceding.* 1½ *pp. Same endorsement.*

740. xxvi. Copy of a letter from Capts. Schuÿler and Bleeker to Lord Bellomont. Albany, May 14, 1699. We send Aernout Viele with a canoe and two men to bring your Excellency this letter from the Five Nations. 1 *p. Same endorsement.*

740. xxvii. Answer of the Five Nations to His Excellency's Propositions. May 9, 1699, Onnondage. Dekanissore was Speaker. Brother Corlaer, it shall be as you have proposed, but you hurt us deadly, for when our agents were at Canada our prisoners were loose, but now we don't go for Canada, they are secured again. Our prisoners have not all been returned. But by your order no messenger of ours shall go to Canada, as we intended. The five French prisoners we brought are still in Albany. Brother Corlaer, we thought that you were master, yet the Governor of Canada keeps our prisoners, and we also see that he keeps the kettle of wrath a-boiling. You strike us if you do not overset that kettle of wrath. You have told us to resist force by force. Then let us have ammunition and arms with all speed. You say that we should suffer no Jesuits in the country, because this Government cannot suffer it, but if we are desirous to be instructed in the Christian Religion, this Government will take care to provide fit persons. We say, when all things are well in order in all the country, then we'll consider together about it. You say that we are King's subjects, then let us have assistance if the French molest us. Let the goods be cheap, and let us have great bags of powder; then we shall see our Brother Corlaer loves us. This day 14 night we'll be in the General Assembly in Albany, and desire our brother to be there to treat about our prisoners. According to the

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interpretation of Aernout Viele and John Baptist van Eps. *Signed*, Joannis Schuÿler, Joannis Bleecker. 2 *pp.* *Same endorsement.*

740. XXVIII. Duplicate of preceding, with slight variations of interpretation. 4 *pp.* *Same endorsement.*

740. XXIX. Copy of Instructions given to the Mayŏr of Albany and Ryer Schermerhoorn for their journey to the Maquaase, May 19, 1699. 2½ *pp.* *Same endorsement.*

740. XXX. Minutes of Council of New York, June 7, 1699, approving the Instructions about the Indian affairs. ¾ *p.* *Same endorsement.*

740. XXXI. Copy of a letter to Mr. Livingston enclosing instructions about Indian affairs, June 8, 1699. 1¼ *pp.* *Same endorsement.*

740. XXXII. Copy of Instructions from the Lt.-Gov. of New York to the Commissioners for Indian affairs about hindering the Indians going to Canada. The reprimand administered by the Commissioners to the Indians for sending to Canada, warning them against the French, and giving them 200*lbs.* of powder and lead equivalent. June 12, 1699. *Reply of the Indians. June* 13. We had no other design but to get back our prisoners. In return for a present of 10 beavers, the Indians were given 10 kegs of rum and five rolls of tobacco and bags for the powder and a conference was arranged between five Sachems and Col. Schuyler, Hendrick Hanse, Capt. James Weemes, Major Dirk Wessels and Robert Livingston. It was agreed that, since the two Onnondages at Canada are no longer prisoners, but only waiting in hopes of the Five Nations coming there to redeem them and make a separate treaty with the French, a couple of trusty Indians be sent in a canoe with goods to trade in Canada and bring back the two Onnondages. The path from the Five Nations to Canada to be kept shut otherwise, since the French continually strove to delude and debauch them. June 14. The Indians communicated a report about the designs of the French against the Five Nations. They complained of the dearness of goods "and since our beaver is so cheap, we desire that the great king who lives over the great water may be addressed that the people of England do make their hats of beaver and not of sheep's wool." June 15. The French prisoners at Albany were set at liberty. June 16. The Indians proposed that as it was peace, private Indians might be allowed to go and see their relations at Canada, though the path was shut. Granted. They mentioned the promise of a Fort to be built and ministers of the Christian religion to be sent them. 23 *pp.* *Same endorsement.*

740. XXXIII. Information of Jean Rosie, about the French threatening to invade the Five Nations. June 19, 1699. 4½ *pp.* *Same endorsement.*

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740. xxxiv. Copy of a letter from Col. Schuÿler, Albany, June 30, to the L.G. of New York. The Shack-hoek Indians are proposing to settle at Winoosbeek in the Lake near Canada. Unless speedily prevented they will be so many enemies the more. 1 *p.* *Same endorsement.*

740. xxxv. Copy of a proposal of the Shack-hoek Indians to settle at Winoosbeek. Reply of the Commissioners at Albany forbidding them. 5½ *pp.* *Same endorsement.*

740. xxxvi. Copy of a letter from the L.G. of New York to Col. Schuÿler approving of the reply of the Commissioners. July 8, 1699. ¾ *p.* *Same endorsement.*

740. xxxvii. Copy of a letter from the L.G. of New York to the Governor of Canada, demanding the surrender of some prisoners. 2 *pp.* *Same endorsement.*

740. xxxviii. Copy of Instructions for those who were sent with the foregoing letter to Canada. 2¾ *pp.* *Same endorsement.*

740. xxxix. Copy of an information given by a French Indian to the Onnondages, insinuating that Lord Bellomont and the Governor of Canada held correspondence for ruining the Five Nations. July 12, 1699. Sent to Albany by a Sachem. Reply of the Commissioners. 1½ *pp.* *Same endorsement.* [*Board of Trade.* New York, 8A. *Nos.* 40, 40I.-xxxix.; and (*without enclosures*) 54. *pp.* 1-31; and (*abstract with marginal comments*) 45. *pp.* 59-67.]

Aug. 24. Charles Town. **741.** Minutes of Council and Assembly of Nevis. It was decided to order six hhds. (sugar) worth of stores from home; to choose a place in the country for storing part of the powder, and, since ⅞ths of the small arms were reported out of repair, and by the late Act ships trading here were to pay arms as well as powder, so that the supply would rapidly increase, to write home to Richard Cary to procure an armourer to live in the Fort at an annual salary. [*Board of Trade.* Leeward Islands, 64. *pp.* 508-509.]

Aug. 24. Boston. **742.** Minutes of Council of Massachusetts Bay. The *Province* galley was ordered to transport Col. Romar to survey the eastern parts of the Province as far as St. George's River. Payment ordered for her provisions. Warrants issued for allowances made by the General Assembly. Report of the Commissioners in favour of Thomas Hinckley's petition read. A Council summoned for Sept. 7. [*Board of Trade.* New England, 49. *pp.* 231-234.]

Aug. 25. H.M. Yard, near Portsmouth. **743.** Henry Greenhill to William Popple at the Plantation Office, Whitehall. Your pacquett for R. Quarry is put on board the *Canterbury*, Capt. Hen. Weagene. *Signed,* Henry Greenhill. *Endorsed,* Recd. Aug. 26, 1699. ¾ *p.* [*Board of Trade.* Proprieties, 4. *No.* 1.]

Aug. 25. **744.** Leonard Compere to Council of Trade and Plantations Repeats in substance petition of June 6, and prays that an Act obliging patentees to residence lately passed by the General

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Assembly of Jamaica may not be confirmed. *Endorsed*, Recd. Aug. 25, Read Oct. 6, 1699. [*Board of Trade*. Jamaica, 8. *No*. 131.]

Aug. 25. **745**. Minutes of Council of New Hampshire. Various officers took the oaths. Peter Coffin, a councillor, deposed that three years since, when he was coming from H.M. Council at Newcastle, Shadrach Walton reviled him, and threatened to break his head. Theodore Attkinson signed a deposition about the *Hopewell*. [*Board of Trade*. New England, 49. *pp*. 541, 542.]

Aug. 28. Boston. **746**. Governor the Earl of Bellomont to the Council of Trade and Plantations. I arrived May 26, and on the following Wednesday the Assembly met, as the Charter directs. I enclose what I proposed to them, their answer and congratulatory address, and the addresses of the L.G. and Ministers. As regards their compliance with my propositions, for the reviving and settling the Courts of Justice, which is the first thing I recommended to them, there have been several Acts passed. We passed an Act for settling and encouraging a trade with the Eastern Indians. Those two about [stores] of war and the fortification on the Island at the mouth of their harbour p[assed] over without any consideration. There being now a peace, they have no remembrance of the war, tho' their fort on the island is the poorest I ever saw, and not to be [called] a place of strength. The situation is very fine, and were there a good fort there, an enemy can never hurt [this town] of Boston, not even with bombs, for it will keep them at three miles' distance. You shall by the next conveyance have the plan of such a fort as Col. Romar has designed as most suitable, together with the soundings of the harbour and bay. [See June 20.] He has been with me at Pescattaway, and has made the [plan] of a fort there and surveyed and sounded that harbour. I have sent him [to] view all the Eastern Coast as far as the River of St. George's, which I am sorry to say [is the] boundary between us and the French eastward. He is to view nicely well Casco [Bay], Pemaquid and St. George's, and report what sort of harbours are there and their capacity of being fortified. The French are surveying St. John's and Nova Scotia with the same view of fortifying them. Casco Bay, Pemaquid and St. George's are in the Province of Main and under this Government of Massachusetts Bay, and the Province of New Hampshire lies between this province and that of Main, which is odd and inconvenient. 'Tis not to be expected this Government and people will willingly consent to build forts in the Province of Main, when they will not be brought to build one at the mouth of their harbour. Therefore I could wish your Lordships would please to bestow some thought on this matter, which I conceive to be of great consequence to England as well as to these provinces, for the whole coast from Pescattaway to St. George's—about 90 miles—affords as good fishing as the banks of Newfoundland, and the country the richest for soil of any part of the King's dominions [on this] continent, and a great part of it cleared and was indifferently well peopled, till by the late war they were destroyed by the Indians for want of being [succo]ured from hence and of a right management of the war with those Indians. All the [Eastern]

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Indians do not exceed 300 men fit to bear arms, yet this Province is said to have lost 1,000 families this last war, including those of Main; those Indians too a cowardly enemy that never dare come [to han]dy blows or fight fairly, but skulk behind bushes and shoot at our people and then [run away], and are so nimble that our people can as well catch hares in the woods. Though the fishery on the Eastern Coast be the staple of this Province, I do not [find the] Assembly here have the least thought of re-peopling the Province of Main, and [to be sure] unless there be forts to secure them from the French and Indians no [people will] be so mad as to settle there. If you think forts should be built on the E. Coast of Main it seems reasonable, since that country is under this Province and this Province is rich enough, that they should undergo the charge of what [is a part] of them and is for the security of that part. But the governing men here have not a public spirit and, so long as they can sleep securely in this town of Boston, they [think] nor look no further. How essential the fishery is will appear by the address of the marchands. To protect them from being interrupted by the French and to defend this coast from pirates, I hope you will procure that a 4th rate man-of-war be ordered.

Having been informed that the Assembly had formerly passed two Acts for incorporating Harvard College, in both which they had excluded His Majesty from the right of visitation, which were rejected by His Majesty for that reason, I proposed their addressing His Majesty to grant his Royal Charter to incorporate their College, but the sour part of the Council, who make a majority, would not hear of a charter, though I had reconciled the ministers to it. I refused my assent to the Bill for Incorporation of the College, therefore, as it had already been twice rejected, and because of a clause excluding absolutely all members of the Church of England from the government of the College and consequently from being members thereof. As instructed, I tendered to the Council the Bill for establishing a Post Office here. We respited it by consent upon a suggestion that Col. Hamilton, deputy to Mr. Neal, was coming from England with powers and instructions to put the office under a [new regula]tion, and that if the Bill I had brought from England did pass it would destroy the office. I also tendered the Bill for punishing privateers and pirates, but it would not go down with the Council, especially the clause which declares piracy felony and punishable with death, and that the Judge of the Admiralty shall sit as one of the Judges on the trials of pirates. They showed me a Bill they had passed and got approved since my leaving England. By it a pirate [could not] be punished with death, tho' he were a convict. I pressed the Bill I tendered 'em all I could, arguing that the gaol being now full of Bradish's pirates was a great charge to the country, and that it would be best for them if all their laws were made to have a con[form]ity with those of England. Whereupon three or four Councillors stood up at once, and one or two asked me with some warmth what the Laws of England had to do with them, and one of 'em said they were too much cramped in their liberties already, and they must pass for great fools, should they abridge the liberty that was left 'em by an

Act of their own. I confess this carriage of theirs surprised me, but it warmed and provoked me withal, and I did not spare to reprove them sharply. These were the sour part of the Council; the most understanding gentlemen seem to be very zealous for the Laws of England. Nothing would prevail; a pirate [can]not suffer death in this province, and what to do with Bradish's crew and Kidd [and his] men, I know not, and therefore desire your orders. The reason [why the]ir Act, that was approved in England, will not reach the life of a pirate is this: [Pira]cy by the Law of England is felony without benefit of clergy and punishable with death. Here there's no such thing in practice as the benefit of clergy; neither is felony punishable with death, but by their law the felon is only to make a threefold restitution of the value of the offence or trespass.

The *Providence* galley of Carolina was lately taken by Hynde the Pirate; a memorial by John Green goes. The pirates multiply very much and will endanger a total loss of the trade from England to the East Indies unless speedily suppressed. Their retreat in all the Plantations in America must be cut off, which will never be unless the Governors be [nicely] honest and active too. And there must be other helps, as an upright judge and Attorney General and a King's ship. Col. Webb, late Governor of Providence Island, was robbed lately in James' River; while he went ashore at Newcastle, Pennsylvania, to refresh himself, the seamen ran away with his ship and all his estate, £7,000 in gold and £1,000 in goods. If he were to give an account of how he made £8,000 in two years in such a paltry island, I believe he would [say] he but trod in the steps of his predecessor Trott, the greatest pirate-broker that ever was in America. There was such a character of his dealing with pirates in Barbadoes and the Leeward Islands that it was in everybody's mouth. The Attorney General of Barbadoes, Mr. Hooper, told me that Trott could not have got less than £50,000 by pirates, and that he had cunningly dispersed his money in Barbadoes, New York and Boston. It was amazing to me to hear of that man's being restored to that Government. Pirates need no other sanctuary; there they are furnished with provisions and all things else for their purpose brought thither from the other Plantations.

I sent orders to my L.G. at New York to apprehend the masters of the sloops that conveyed bales of goods from Kidd's sloop towards New York. By that means some of the goods have been recovered and sent hither. I send papers relating to the goods seized. I have some jealousy Mr. Gardner has not sent all that Kidd left with him, and will have him and his wife and servants examined on oath. One Syms of New York took away one of the negro boys left by Kidd with Gardiner. I have ordered the boy to be secured for the King. Here was a rumour about a week ago of a waistcoat of Kidd's with diamond buttons that was concealed. After diligent search, I found it, but the stones were plainly Bristol stones tho' set in gold. I believe Kidd thought they were right diamonds by his conveying the waistcoat away in the manner he did. There were seven of the buttons wanting when the waistcoat was brought to me. John Ruggles in his memorial about Bolton,

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enclosed, forgot to insert that it was reported at Nevis that Bolton was removed to St. Thomas'. He was a man of no account, two or three years ago Deputy Collector of Antegoa. I send a copy of Sir Wm. Beeston's letter to me of June 7. There was a sharp contest between the Council and me about the nomination of officers, the same party of men that opposed the Bill against Pirates contending for the right of nomination on the ground that in the clause in the charter "it shall be lawful for the Governor with the advice and consent of the Council to nominate Judges etc.," the words "with the advice" etc. came before the words "to nominate." Sir Wm.Phipps was weak enough to let the Council gain that point of him. Mr. Stoughton yielded timorously but with protest. I told the Council I could not be so imposed on; it was plain the right of nomination was in the Governor and they had a negative on my nomination; they could write to England to have the point decided if they pleased; meantime I would not depart from the right of nomination. In conclusion, they yielded. I acquainted Mr. Usher three or four times with your instructions about his accounts with the Government of Massachusetts Bay, but he has not yet applied to me about it. Among the transcripts of the Acts passed last session, there goes one whereby the Assembly make me a present of £1,000 this money, which is 30 p.c. worse [than sterling] money. They stile it a present, but I take it to be part of the salary I [was] promised should be made good to me before my leaving England, which I understood was [to be] £1,200 sterling, and this £1,000 will make but £700 sterl. I never did nor will ask the[m anything], and it troubles me that I am on so precarious a foot for a salary from this Government. I am put to great inconvenience for want of a house here and am forced to pay £100 a year for a house besides what I pay for a stable. Here is a very good house-plot, where Sir Edmund Andros lived, in the best part of the town, but ['tis the least of] their thoughts to build a house for the King's Governor. About £3,000 would build a good house and offices, not much, considering that building here is at least a 3rd part dearer than in London. I hope you will send me orders soon upon all parts of this letter. *Signed*, Bellomont. At Pescattaway, I sent for the Eastern Indians. They have since sent three Indians to treat with me; the paper containing their promise of submission to the King goes. *Various enclosures referred to. Endorsed*, Recd. Nov. 22, 1699. Read Jan. 25, 26, $\frac{1699}{1700}$. *Holograph. 7 pp. Edges torn. Enclosed,*

746. I. Abstract of above. $2\frac{1}{4}$ *pp.*

746. II. Speech of Lord Bellomont to the Council and Assembly at Boston, June 2, 1699. *Endorsed*, Recd. Nov. 22, Read Jan. 25, $\frac{1699}{1700}$. 3 *pp.* Printed by Bartholomew Green and John Allen, as appointed by James Converse, Speaker.

746. III. Answer of the Representatives, June 6. 2 *pp. Printed. Same endorsement.*

746. III. A. Duplicate of preceding. *No endorsement.*

746. IV. Congratulatory address of the Representatives of the Massachusetts Bay, June 6, to Lord Bellomont. *Printed.* 2 *pp.* Boston. *Endorsed,* Recd. Nov. 22, 1699.

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746. v. Address of the Lt.-Gov. Stoughton to Lord Bellomont, June 2, 1699. *Printed.* 4 *pp.* *Same endorsement.*

746. vi. Address of the Ministers met at Boston, May 31, 1699. Your Excellency has command over New England, a nation of Nonconformists, hearty friends to the English liberties and loyal subjects to the mighty Prince to whom we are indebted for their recovery. Our University is languishing for want of its Charter Settlement. *Signed*, Increase Mather. *Printed.* 2 *pp.* *Same endorsement.*

746. vii. Salem, May 23, 1699. Merchants and others concerned in the fishing trade on the coast of New England to Lord Bellomont. The privilege of fishing on the high seas and coasts of Nova Scotia undoubtedly belongs to H.M. subjects, but a French ship last summer warned off one of our fishermen, and in Sept. a French ship took two of our fishing vessels that lay at Chebueta. The Governor of St. John's has written forbidding our fishermen to take fish on the coasts or high seas in the northern parts of America, and we now hear has fitted out Capt. Battes with a vessel in those parts to take our fishermen. *Signed*, Jno. Brown, Edw. Brattle, De Siuer. Parkman, Jno. Hathorne, junr., Saml. Ruck, Jno. Legg, Rich. Chattwill, Jno. Turner, Jno. Dodg, Benj. Gerrish, Wm. Clarke, Benj. Brown, Jno. Higginson, junr., Wm. Hirst, Steph. Sewell, Saml. Browne, Jos. Wohott, Philip English, Wm. Gedney, Jno. Higginson, *tertius*, Benj. Marston, Robt. Kitchen, Nath. Norden, Ambrose Gale, Wm. Dodg. *Endorsed*, Recd. Nov. 22, Read Jan. 26, $\frac{1699}{1700}$. *Copy.* 2 *pp.*

746. viii. Copy of a clause in the rejected Bill for Harvard College; "the Founders having been Congregationalists or Presbyterians, be it enacted that no one shall be President or Fellow of the said Corporation but such as shall declare themselves and continue to be of the said persuasion." 1 *p.* *Endorsed*, Recd. Nov. 22, 1699.

746. ix. Copy of a clause in a Bill proposed by Lord Bellomont for the punishment of pirates with death. ¾ *p.* *Same endorsement.*

746. x. Deposition of John Green, master of the *Trial* of Boston, about a ship taken by Hynde the Pirate. *Signed*, John Green. *Copy.* ½ *p.* *Same endorsement.*

746. xi. Col. Cortlandt to Lord Bellomont. I have shipped the bales and chests landed here out of Kidd's sloop. *Signed*, S. V. Cortlandt. New York, Aug. 16. *Same endorsement.* *Copy.* ¾ *p.*

746. xii. Invoice of above goods. *Signed*, S. V. Cortlandt, James Evetts. *Same endorsement.* *Copy.* 2¼ *pp.*

746. xiii. Boston, Aug. 25. Memorial of John Ruggles, master's mate of the *Primrose* of Boston. Drinking in a public house at Charles Town, Nevis, with William Cheesers and Wm. Daniel, I heard the former say that Bolton had got £16,000 by Capt. Kidd. *Signed*, John Ruggles. *Same endorsement.* ½ *p.*

746. xiv. Jamaica, June 7, 1699. Sir Wm. Beeston to Lord Bellomont. *Copy of letter printed supra, June 7. Endorsed*, Recd. Nov. 22, Read Jan. 26, 1699. 3 *pp.*

746. xv. Memorial of the Sagamores and other Eastern Indians, with their submission to the Crown of England. *Signed*, Scanbeovyt, Sasumick, Sampson *alias* Schadoock, (*their marks*). Boston, Sep. 8, 1699. *Endorsed*, Recd. Nov. 22, 1699. *Copy.* 3 *pp.*

746. xvi. Deposition of Joseph Baker, commander of the *Charles* of New York, plundered by the pirate, John James, a Welshman, of the *Providence* galley, now called the *Alexander. Signed*, Joseph Baker. *Same endorsement. Copy.* 3 *pp.*

746. xvii. Memorial of John Mitchell, whose sloop was overhauled by John James, the pirate. Sep. 4, 1699. *Signed*, John Mitchell. *Same endorsement. Copy.* 1 *p.*

746. xviii. Inventory of some East India goods brought from Gardner's Island to Boston, left there by Kidd. *Signed*, Sam. Sewall, Nath. Byfield, Jer. Dumer, And. Belcher. *Same endorsement.* Boston, Sep. 8. *Copy.* 1 *p.*

746. xix. Boston, Sep. 4, 1699. Deposition of Captain Kidd. In his chest which he left at Gardner's Island there was three small bags or more of Jasper Antonio or stone of Goa, several pieces of silk stript with silver and gold cloth of silver, about a bushell of cloves and nutmegs mixed together and strawed up and down, several books of fine white calico, several pieces of fine muslins, several pieces more of floured silk; he does not well remember what farther was in it. He had an invoice thereof in his other chest; all that was contained in the said chest was bought by him and some given him at Madagascar, nothing thereof was taken in the *Quidah Merchant.* He esteemed it to be of greater value than all else that he left at Gardiner's Island, except the gold and silver; there was neither gold or silver in the chest. It was fastened with a padlock and nailed and corded about. Further saith that he left at Gardiner's Island a bundle of nine or ten fine India quilts, some of them silk with fringes and tassels. *Signed*, Wm. Kidd. *Same endorsement. Copy.* 1 *p.*

746. xx. Duplicate of preceding. *Much rotten with salt water.*

746. xxi. Lord Bellomont to the Commissioners of Customs. Boston, Sept. 8, 1699. I sent your pacquets to Mr. Randolph, who I understand is a prisoner at Bermuda. I believe Mr. Randolph was bullied by Brookes into recanting the certificate he had signed against him, but why he should dare to say he was tricked into signing it (presumably by me) I do not understand. Please to order Mr. Brenton, Collector of this place, to his post. Capt. Hammond, his deputy, is lately dead. I have put William Payne in his place till Brenton

returns from England or appoints another deputy. *Signed*, Bellomont. *Endorsed*, Recd. Nov. 22, Read. Jan. 26, $\frac{1699}{1700}$. *Copy.* $1\frac{1}{2}$ *pp.*

746. xxii. Memorandum of Receipt of Minutes of Council of Mass. Bay, Ap. 11—Aug. 24, 1699, transmitted by Mr. Addington. *Endorsed*, Recd. Nov. 22, 1699.

746. xxiii. Memorandum of Receipt of Minutes of General Assembly of Massachusetts Bay, May 31—July 20, 1699. *Same endorsement.*

746. xxiv. Memorandum of Acts of Assembly of Massachusetts Bay, May 31, 1699. [*Board of Trade.* New England, 9. *Nos.* 65, 65i.-xxiv.; *and* (*without enclosures*) 37. *pp.* 232-258.]

Aug. 29. **747.** Minutes of Council of New York. Proclamations ordered for the arrest of Gillam, Clay and Smith, pirates, and for proroguing the Assembly till April 12.

Aug. 30. Wm. Murray and David Munro granted leave to bring their clothes on shore from the *Unicorn.* It being announced that the Indians were willing to resettle Schaakhook, instructions were ordered to be drawn for encouraging them. The Onnondage Indians ordered to be rebuked for trading at Pennsylvania in breach of the Covenant Chain.

Daniel Toy appointed and paid as a Land and Tide-waiter in place of John Parmyter. [*Board of Trade.* New York, 72. *pp.* 276-278.]

Aug. 29. Whitehall. **748.** Robert Yard to Council of Trade and Plantations. The Lords Justices request information about the vacating of the lease of the King's Farm by the Assembly of New York. *Signed*, R. Yard. *Endorsed*, Recd. Aug. 30, Read Aug. 31, 1699. 1 *p.* [*Board of Trade.* New York, 8 a. *No.* 41; *and* 53. *p.* 338.]

Aug. 31. **749.** Order of Lords Justices in Council. The matters mentioned in the Representations of the Board of Trade, Aug. 4 and 10, are to be effectually recommended to Mr. Penn. Directions are also to be sent to the Earl of Bellomont, Mr. Penn, or the Governor-in-Chief of Pennsylvania, and the Governor of East and West New Jersey, that all persons that have been or shall be seized for piracy in the provinces of Massachusetts Bay, New York, New Hampshire, Pennsylvania, or in East or West New Jersey, be sent over hither in safe custody, together with all money, goods or other effects seized with them, and all such evidences as may be of any use for their conviction. *Signed*, Edward Southwell. [*Board of Trade.* New York, 53. *pp.* 339, 340; *and* 8 a. *No.* 42 (*memorandum of preceding*); *and* Proprieties, 4. *No.* 4; *and* 26. *pp.* 85, 86.]

Aug. 31. Whitehall. **750.** Order of Lords Justices in Council, disallowing Mr. Markham to be L.G. of Pennsylvania, and recommending Mr. Penn to nominate another for H.M. approbation. *Signed*, Edward Southwell. *Endorsed*, Recd. Read Sep. 1, 1699. [*Board of Trade.* Proprieties, 4. *No.* 3; *and* 26. *pp.* 83, 84.]

Aug. 31. Whitehall. **751.** Order of Lords Justices in Council, approving the Representation of Aug. 4, and declaring the Pennsylvania Act

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for preventing frauds, etc., and all other Acts made in the said province contrary to the known laws of England, null and void. *Signed*, Edward Southwell. *Endorsed*, Recd. Read Sep. 1, 1699. 1 *p.* [*Board of Trade.* Proprieties, 4. *No.* 2; *and* 26. *pp.* 82, 83.]

Aug. 31. Whitehall. **752.** Order of Lords Justices in Council, approving the Representation of July 6, and ordering directions to be given accordingly. *Signed*, Edward Southwell. *Endorsed*, Recd. Read Sept. 6, 1699. 2 *pp.* [*Board of Trade.* Jamaica, 8. *No.* 132; *and* 56. *pp.* 356-358.]

Aug. 31. **753.** Order of Lords Justices in Council, approving the Representation about Governor Day, July 20, and ordering accordingly. Mr. Day, in addition, is to send his answer in writing to the Council of Trade and Plantations to all matters objected to him. *Signed*, Edward Southwell. *Endorsed*, Recd. Read Sept. 11, 1699. 2¾ *pp.* [*Board of Trade.* Bermuda, 3. *No.* 47; *and* 29. *pp.* 203-206.]

Aug. 31. Whitehall. **754.** Order of Lords Justices in Council, referring the petition of Charles Walker, Lt.-Col. Anthony White and Capt. Thomas Harford to the Council of Trade and Plantations, who are first to obtain Governor Day's answer thereto. *Signed*, Ed. Southwell. *Endorsed*, Recd. Sep. 8, Read Sept. 11, 1699. ½ *p.* *Enclosed*,

754. I.-IV. Copies of petitions of above-named removed from the Council of Bermudas by Governor Day without any cause shewn, praying to be acquainted with the cause and for a day to be assigned them for defending themselves. [*Board of Trade.* Bermuda, 3. *Nos.* 48, 48 I.-IV.; *and* 29. *pp.* 207, 208.]

Aug. 31. **755.** Attorney and Solicitor General to the Council of Trade and Plantations. In reply to your letter of July 7, we cannot find any law forbidding the carrying of logwood from Honduras to Venice, unless the ship belongs to some of H.M. Plantations. As to the lading of European goods at Venice and carrying the same to Guinea, in case the Coast of Guinea be reckoned an English Colony or Plantation (which we think 'tis not) the same is prohibited by the Act made the 15 Car. II. In case the ship belongs to any of His Majesty's Plantations, she is forfeited by the Act 22 and 23 Car. II. *Signed*, Tho. Trevor, Jo. Hawles. [*Board of Trade.* Trade Papers, 14. *p.* 344.]

Aug. 31. Whitehall. **756.** Council of Trade and Plantations to Sir Thomas Trevor, Attorney General, and Sir John Hawles, Solicitor General, asking for an opinion about the title to the estate referred to in the petition of Richard Bate. [*Board of Trade.* Barbados, 44 A. *p.* 324.]

Aug. 31. Whitehall. **757.** William Popple to Sir Bartholomew Gracedieu. It is supposed that Mr. Heathcote being out of town is the reason for no reply being received to my letter of Aug. 4, in answer to the memorial about the place of Provost Marshall in Jamaica, desiring information about the character of Toplady. The Lords Commissioners therefore command me to refer this matter to your care. [*Board of Trade.* Jamaica, 56. *pp.* 353, 354.]

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758. Journal of Council of Trade and Plantations. Letter from the President and Council of Nevis, July 7, read.

Letter from Lord Bellomont, Boston, July 8, read. Order given for drawing a Representation relating to Pirates in the West Indies.

Letter from Mr. Yard, Aug. 29, read. Consideration of it deferred till the proceedings of the late Assembly of New York be received.

Letter to Sir Bartholomew Gracedieu about the character of Toplady ordered.

Order of Council upon a petition of Richard Bate, Aug. 22, read. Copy ordered to be sent to Attorney and Solicitor General for opinion in point of law.

Sept. 1. Orders of Council, Aug. 31, declaring the Act of Pennsylvania for preventing frauds, etc., void, displacing Mr. Markham, and ordering pirates to be sent home for trial, read, and a letter to Mr. Penn in pursuance of the same ordered.

Representation upon Mr. Grey's letter about Sta. Lucia ordered.

Letter from Col. Blakiston, Maryland, June 18, read. Directions given for answer. Note of the number of pirates at Madagascar taken.

Sept. 4. Letter to Mr. Penn and representation about Sta. Lucia agreed upon.

Letter to Col. Quary ordered.

Enquiry ordered of Mr. Sansom what proceedings or directions have been made upon any appeal relating to the three seizures made in Maryland mentioned in Col. Blakiston's letter, May 20.

Sept. 5. Letter from Col. Webb, Newcastle, Pa., June 26, read and directions given for including an abstract of its contents in representation about pirates.

Letter to Col. Quary approved.

Letter from Col. Winthrop, Connecticut, June 10, read. Account of pirates there given ordered to be inserted in representation.

Orders of Council, Aug. 22, about stores of war for New York, and Col. Codrington's Instructions read.

Letter from Sir W. Beeston, Jamaica, Ap. 14, read. Paragraph about soldiers' subsistence there sent to Mr. Blathwayt.

Sept. 6. Order of Council, Aug. 31, upon Sir Stephen Evance's petition read.

Representation about pirates agreed to.

The letters and papers from Lord Bellomont received Aug. 31st considered.

Sept. 7. A question occasionally arising about the manner of calling Assemblies in the Plantations, the copy of a writ for the election of Representatives for the City and County of New York, Ap. 15, 1698, formerly received from Lord Bellomont, was read. Ordered that as occasions offer of writing to the Governors of other places, they be desired to send copies of the forms of writs for such elections in each Plantation.

Letter from Mr. Jeffrey Jeffreys, Sep. 6, read. Letter to Lord Jersey ordered.

Letter from Sir B. Gracedieu about Mr. Toplady read.

Letter from Mr. Sansom, about the three ships seized in Maryland, read.

Sept. 9. Lord Bellomont's letters, Ap. 13 and Ap. 17, considered, and directions given for a representation relating to forts upon the frontiers of New York. [*Board of Trade.* Journal, 12. *pp.* 154-170; *and* 96. *Nos.* 134-140.]

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Sept. 5. Whitehall. **759**. William Popple to John Sansom. What proceedings have been made or directions given about the appeals granted in the case of ships seized for illegal trade referred to by Col. Blakiston in his letter of May 20? [*Board of Trade.* Maryland, 9. *p.* 397.]

Sept. 5. **760**. Minutes of Council of Barbados. Letter from the Council of Trade, June 26, concerning Patentees referred to the Attorney and Solicitor General. Proclamation, concerning the ship *Adventure* and her cargo run away with from the Island of Nayas, Sept. 17, 1698, ordered. Order in Council, May 18, 1699, communicated. Mr. Secretary Vernon's letter of June 18, with a duplicate of a letter of Jan. 2, relating to the discouraging of the Scotch settlement at Cairatt near Darien, read and a proclamation forbidding any assistance to be given ordered. Magnus Popple's proposals for building a bridge and making a harbour between the town of St. Michael and the bay read, approved and recommended to the Assembly to be considered by a joint committee of the two houses. [*Board of Trade.* Barbados, 65. *pp.* 435-437.]

Sept. 6. **761**. Minutes of Council of Barbados. Capt. Collin Hunter, confined to his ship riding at anchor in Six Man's Bay, admitted to bail. [*Board of Trade.* Barbados, 65. *p.* 438.]

Sept. 6. St. Mary Axe. **762**. Jeffrey Jeffreys to William Popple. I have not the least notice of the contents of Col. Webb's letter, nor did I know that he was out of his Government. I believe he may have some effects of mine which I recommended him to recover there, and consequently I may be concerned in the vessel. It may not be amiss that the advertisement [*see No.* 550] be inserted in the Gazette as Col. Webb's, without mentioning my name, directing all Governors, etc. to stop the brigantine. I hope it may be of some effect; without promise of a reward. *Signed*, Jeff. Jeffreys. *Endorsed*, Recd. Read Sep. 7, 1699. 1 *p.* [*Board of Trade.* Proprieties, 4. *No.* 6.]

Sept. 6. Custom House. **763**. John Sansom to Mr. Popple. For answer to yours of the 5th inst., Col. Blakiston informs the Commissioners that Richard Hawke, master of the *Johanna*, waives his pretentions to any appeal, and that no appeal had been designed in the case of the *Pinck Daniel* or the *Amity* of London, Jamie Duncan, master. But as to the last, condemned for being owned by Scotchmen, she, having been duly registered before her going out and proved to belong to Mr. Fowles and other Scotch merchants, inhabitants of London, the master having also a settled family here, upon the application of Mr. Fowles and others who brought parochial testimony, the Commissioners did, July 6, enclose to the Governor a duplicate of the Register, and acquainted him that it was the declared opinion of H.M. Council that natives of Scotland inhabiting with their families in England or Ireland were to be accounted English within the meaning of the Acts of Trade and Navigation, and therefore desired that if the ship was otherwise qualified and navigated according to law, he would direct the officers concerned to take off their hands and release the vessel, being here under

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security to bring her lading to some port of this kingdom. *Signed*, John Sansom. *Endorsed*, Recd. Read Sept. 7, 1699. 2 *pp.* [*Board of Trade.* Maryland, 3. *No.* 71 A; *and* 9. *pp.* 398, 399.]

Sept. 7. Annapolis, Maryland. **764.** Thomas Laurence to the Council of Trade and Plantations. I transmit herewith the Journals of the Council and Assembly and the Body of Laws revised the last Assembly, and am acquainted by His Excellency the Governor that the Journals of those Councils which were held before the Assembly are already sent for England. *Signed*, Tho. Laurence. *Endorsed*, Recd. Nov. 16, Read Nov. 21, 1699. *Enclosed*,

764. I. List of Acts of Maryland, 1692-1698, continued as Laws by an Assembly held June 28, 1699. "Perpetual Laws without limitation." 8 *pp.* *Endorsed as preceding.*

764. II. List of Acts of Maryland passed at an Assembly held June 29—July 22, 1699. 6 *pp.* *Endorsed as preceding.* [*Board of Trade.* Maryland, 3. *Nos.* 72, 72 I.-II.; *and* 9. *pp.* 416-434.]

Sept. 7. **765.** Sir Bartholomew Gracedieu to William Popple. I am informed that Mr. Toplady is a very infamous man, newly come out of gaol. Several gentlemen who have lived in Jamaica will wait on the Commissioners and give an account of him if desired. *Signed*, Bartho. Gracedieu. *Endorsed*, Recd. Read Sept. 7, 1699. [*Board of Trade.* Jamaica, 8. *No.* 133; *and* 56. *pp.* 358, 359.]

Sept. 7. Whitehall. **766.** Instructions to Christopher Codrington as Captain General and Governor in Chief of H.M. Carribbee Islands, lying to leeward from Guardaloupe to the Island of St. John de Porto Rico. Upon arrival to assemble the Council. Councillors nominated for Nevis:—Col. Edward Fox, L.G. of the Leeward Islands, Samuel Gardiner, Michael Smith, John Smergin, Edward Parsons, Azariah Pinney, James Bevon, William Butler, William Ling, Walter Hamilton, William Mead. For Montserrat:—Col. Thomas Delaval, L.G., Col. Edward Fox, Edward Parsons, William Fox, Anthony Hodges, junior, Thomas Lee, Richard Clayton, John Irish, William Fry, John Seet, James Thynne. For Antegoa:—Col. Edward Fox, John Yeamans, Rowland Williams, Francis Carlisle, John Fry, senior, John Hamilton, Edward Byam, Samuel Martin, Thomas Duncom, Edward Parsons, John Corbet, James Thynne. For St. Christopher's:—James Norton, L.G., Col. Edward Fox, John MacArthur, John Estridge, Edward Parsons, Michael Lambert, Henry Burrell, William Willett, Samuel Crook, John Garnet, Wm. Mead, Stephen Pain. The Governor is to publish his Commission in each of the Islands; then to take the oaths, administer them and communicate H.M. Instructions as necessary. The Councils are to enjoy freedom of debate and vote. The Governor is to transmit the names of six persons fit to supply the vacancies in each of the Councils: he is to take care they are men of good life, estates and abilities and not to alter their number or suspend any without good cause and reason transmitted. Upon the death or absence of any L.G. he is to appoint some fit person till directions received. Councillors' places are to become void if they absent themselves without leave. He is to transmit the names and qualities of members put by him into the Council, and also authentic copies of laws within three months, or by the next conveyance, upon pain of the forfeiture of a year's salary. No Act is to be passed for levying money or inflicting fines etc., whereby the same shall not be mentioned to be reserved to His Majesty for such public uses of the islands as shall be therein directed. Grants to Governors to be made to His Majesty with the humble desire that they may be applied to the Governor's use. Upon the Governor's absence one half of his salary to be allowed to the L.G. He is not to be absent without leave from the King. Accounts of the revenue are to be transmitted half yearly. No money is to be disposed of without the consent of the Council: the Assembly is to be permitted to view the public accounts. Impositions on wines etc. are not to be for less than a year, and other laws are to be indefinite. No Act once enacted by the Governor is to be re-enacted but upon extraordinary occasions and in no case more than once. The Governor is not to remit fines or forfeitures (above £10) or dispose of escheats without H.M. directions. He is not to alter the value of coins or pass any law lessening the revenue without leave. The Secretary is to provide him with copies of Acts etc. for transmission; copies of the Journals of the several Assemblies are also to be transmitted. He is not to displace Judges, Justices, Sheriffs, etc. without good cause, or to express any limitation of time in any commission, or to execute any of the said offices himself or by deputy, or to dispose of any Patent place, or to erect any new Court of Judicature or to dissolve any already established without special order, but to transmit with all convenient speed an account of all Courts and offices. He is to call a Court of Exchequer whenever cases concerning H.M. revenue require it, and to inform the Commissioners for Trade and Plantations whether H.M. service may require the establishment of a constant one there. Salaries and fees are to be regulated within the bounds of moderation, and tables of fees to be hung up publicly. Proceedings are to be according to laws not repugnant to the laws of England. The Governor is to administer the oaths etc. to all public officers: to permit liberty of conscience to all persons, except Papists, so they be contented with a peaceable enjoyment of it. Drunkenness, debauchery and swearing are to be discountenanced. All Planters and Christian servants are to be well provided with arms and mustered and trained as often as thought fit. The Governor is to use his utmost endeavour that each Planter keep such a number of white servants as by law directed. He is not to make frequent or unnecesary marches and musters. Martial Law is not to be executed without the consent of the Council. He is to procure an Act for the punishment of mutiny, desertion and false musters; to take an inventory of arms and ammunition and send it home yearly. The sole power of impressing seamen is invested in him. He is to send an account yearly of the inhabitants, and also an account of stores. He is to settle public store-houses for arms and ammunition throughout the islands. Due entries are to be made of all imports and exports and transmitted yearly: the duties and collection of revenue are to be examined, improved, and account rendered half-

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yearly. The Governor is to assist the Collectors of the 4½ per cent. duty, and to see that Divine Service according to the Church of England be duly performed, churches built and kept orderly, and ministers maintained and housed. No minister is to be preferred to any benefice without a certificate from the Bishop of London. Every orthodox minister is to be one of the vestry in his parish. Ministers are to be in due orders. The Governor is to collate the benefices and grant licences for marriages, etc. No schoolmaster to be allowed to come from England and keep a school without the licence of the Bishop of London, nor is any other to be permitted to keep school without the Governor's licence. Tables of marriages are to be hung up in the Churches. The Governor is to suppress the engrossing of commodities as tending to the prejudice of Trade; to encourage merchants, especially the African Company, "and as H.M. is willing to recommend to the said Company that the Islands may have a sufficient supply of merchantable negroes at moderate rates, so you are to take especial care that payment be duly made," and that there be no trading from the islands to any place in Africa within the Company's Charter. The Governor is to give a yearly account of the negroes; to give an account of the wants and improvements in the islands; to observe the Treaty of Madrid; and to inform H.M. of any injury to his subjects by subjects of other princes. He is to enquire into the complaints of the French of St. Christopher's, and oblige persons who have committed injuries to give redress. He is to get a law about the qualifications of jurors. Appeals are to be made from the Courts to the Governor and Council of the island he resides in, if the value exceeds £300 and security be first given by the appellant, and thence to the King, if the value exceed £500, the appeal be made within 14 days and good security be given by the appellant. None of the Members of the Council which receives appeals are to be judges in the Courts of Common Pleas. The Governor is to send accounts of the strength of his neighbours by land and sea: to assert H.M. title to the Virgin Islands (Crab Island) so that the subjects of any foreign princes be not permitted to settle in any of the said islands except St. Thomas'. The subjects of the King of Denmark, in case they act in prejudice to H.M. right of sovereignty in those islands, are to be given to understand that the King of Denmark hath no good title to St. Thomas itself. Any attempt at settlement to be notified at once. The Governor is to endeavour to get a law restraining inhuman severities and punishing the wilful killing of Indians and negroes with death; and also to encourage the conversion of negroes; to recommend the raising of stocks and building of public workhouses for the employment of the poor. He is to assist H.M. Plantations, especially Barbados, in case of need; and earnestly to recommend the building of houses for the Governors in the several islands, which he is frequently to visit, and to procure the repair of the prisons. In case of his death or absence the Lieut.-General of the Islands is to succeed him, and after him the L.G. of Nevis. He is not to declare war without H.M. commands. The laws relating to the Plantations and Trade are to be punctually observed. *Signed*, Tho. Cantuar, Lonsdale, C.P.S., J. Bridgewater, Jersey, Cha. Montague. [*Board of Trade*. Leeward Islands, 45. *pp*. 448-488.]

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Sept. 7. **767**. Minutes of Council of New York. Depositions relating to Gillam sent by Peleg Sandford were read. Carsten Luersen examined. Search ordered for goods seized in Nassau Island and not brought into the Custom House. Mr. Nucella, Minister of Kingston, and John Martin ordered to appear before the Board and answer for their contempt and refusal to send Dellius' letter.

J.Ps. of Suffolk ordered to enquire into a riot committed upon the land of Samuel Wood. Surveyor General ordered to lay out land in lots as desired by the inhabitants of Breeklandt in King's County.

The two bastions in New York ordered to be demolished. £30 paid to Elias Nean in commiseration of his great sufferings as a Protestant in France. John Barbarie discharged from his guardianship upon his petition. Several of the pinnace crew being absent by the advice of Mr. Hungerford, some soldiers were sent to watch a vessel lurking near Sandy Hook. Committee appointed to audit the Revenue Accounts.

The Attorney-General ordered to draw up a special commission to try the Indian that burned her master's barn.

The Surveyor General ordered to lay out the highways in Richmond County with the assistance of the Justices. [*Board of Trade.* New York, 72. *pp.* 278-280.]

Sept. 7. **768**. Minutes of Council of Massachusetts Bay. Joint Committee appointed to prepare a letter to Sir Henry Ashhurst. A Justice of the Superior Court took the oath. The Governor nominated :—

Abraham Preble, to be Justice of the Inferior Court, County of York.
William Geare . . . . Island of Nantucket.
Capt. Benjamin Skiffe . . . . Duke's County.
John Valentine to be Public Notary.
Joseph Prout, to be Coroner for the County of Suffolk.
Daniel Epps, to be . . . . Essex.

The Council consented. Licence was granted to Samuel Sewall to build a timber coachhouse and stable abutting upon the Common, over against the new burial-place in Boston, between the stables of Edward Bromfield and the Widow Pollard. Warrants issued for payment to Members of Council of their allowance; and for the killing of wolves. Some Eastern Indians praying for a free trade, advised to consult with Capt. Hill and Major Converse and to present their petition in writing. Warrant issued for payment of half the charge of repairing the Townhouse at Boston (£36 19*s.* 9*d.*) and for payment towards the charge of the new Bridge at Cambridge. [*Board of Trade.* New England, 49. *pp.* 239-242.]

Sept. 9. Boston. **769**. Governor the Earl of Bellomont to the Council of Trade and Plantations. I arrived at Pescattaway, New Hampshire, July 29, and on the 31st summoned the Council appointed by H.M. instructions; among them Mr. Partridge therein named Lt.-Governor. Writs were issued for an Assembly to meet at 8 days' notice, but I found they had been called formerly at 3 days' notice because of the smallness of the Province. I enclose my address and their reply. Mr. Usher gave me his reasons in writing why he would not sit in Council, which I send, and also two

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charges against Mr. Partridge and against Messrs. Hinckes, Vaughan and Waldron. I told him they were general, and, being of a high nature, no less than taking up arms against the King, I did expect he would make them good by proofs. He said he could not then stay, having left his wife very ill at or near Boston. In obedience to your orders, Aug. 26, 1697, I made the [best] enquiry I could into the disorders complained of by Mr. Usher; particularly of Mr. Fryar and Coffin, two gentlemen of the Council that were in favour with Mr. Usher. By what I learn his complaints against Mr. Partridge and the others [were] not well grounded, proceeding more from Mr. Usher's unhappy, choleric temper than any occasion given by them. I believe he meant well, but might have managed the [people] of New Hampshire easily enough, had his carriage been more moderate. I delivered the persons accused copies of Mr. Usher's letters and your Representation, July 21, 1697, and the Order of Council, July 29, 1697, and enclose their answer.

By my arrival at Pescattaway all Commissions of the officers of Col. Allen's creation were superseded, by which means a trial between him and some of the present proprietors of lands about their title was interdicted, luckily enough for them. 'Tis not difficult to judge which way the causes had been decided, when 'tis plain Col. Allen was in effect Judge and party too. I send the Laws passed and the Minutes of Council during my stay. In the minute of July 31 is contained the Council's request to me to turn out [Willia]m Ardell from being High Sheriff. Col. Allen having got such a tool of a sheriff, it could not be supposed he would want a jury for his purpose. None of the Council inveighed more against Ardell than Messrs. Fryar and Coffin, Col. Allen's friends. The Judge of the Superior Court, made by Col. Allen or his son Usher, was Joseph Smith, a man of no visible estate but two acres of land, and all his estate real and personal rated in Hampton at £9 10*s*. Yet this man I found Chief Justice, Colonel of the Militia, Captain of Hampton Company, Treasurer of the Province, Naval Officer at Hampton and a member of H.M. Privy Council. The first day [of m]y holding a Council a petition was delivered against the Judges. We ordered a proclamation thereupon, continuing the Justices of Peace and Constables [only] in office, by which the Justices were under a suspension, till I should have time to inquire [into] the truth of the suggestions in the petition. By the King's instructions I am ordered not [to] admit any persons to be Councillors, Judges, etc., but such as are of [good] fame and not necessitous. That the Assembly thought the officers of Col. Allen's putting in unqualified [appe]ars by their address to me, Aug. 10, and on Aug. 11 the Council and Representatives jointly address me and complain of Col. Allen again and of four of his [officers] by name, whom I saw good cause for turning out. Mr. Sheaf, the Secretary, held his commission from Col. Allen, not from the King. On the 10th Aug. the House of Representatives addressed me humbly to represent to H.M. the want of a good fort on the island at the mouth of the river of Pescattaway and their inability to build one. I shall not now enlarge thereon, Col. Romar not having yet made his report. By the next conveyance I will give you particular account of the nobleness of Pescattaway harbour. On Aug. 16 the Council and Representatives addressed me, reflecting on the indiscreet behaviour of Mr. Usher, while L.G. I could wish the propriety of lands in N. Hampshire and Col. Allen's claim were decided; he and the people he sued have agreed to come to trial in the Superior Court next Feb. His claim hovering over the country as it does gives great disturbance to the present proprietors and hinders others from going to inhabit there. 'Tis an impossible thing there should be a fair trial, for all are parties against him, except those that have no substance and are not qualified to be jurors. Therefore I submit that matter to the justice and wisdom of the Government of England. If Col. Allen have a right to the soil, 'tis fit he should enjoy it or receive some compensation. On 'tother hand, if report says true, Mr. Mason, the former pretender, resigned up his claim to that country to Mr. Allen to be discharged of £300 he owed him. If so, Col. Allen has had the cheapest purchase ever heard of, for he has often told me that he reckoned upon £22,000 per ann. in quit-rents at *3d.* per acre or *6d.* in the pound rent, and if he recovers the lands, he intends to sue the people for all damages and trespasses committed in the woods since '79, which will amount to several hundred thousand pounds. There were great complaints made of his behaviour in the Superior Court at a trial between him and some of the people about land. He came into Court, and was present at the trial, and hectored very much and gave very abusive language to the counsel that pleaded for the people against him. He would needs persuade me to restore his set of Judges and officers and favour him in his suit, and had the folly to desire me to be present at the trial and I was to find my account in it greatly, but I told him he took the direct way to lose me. His claim reaches as far as Salem, the second town in this province, and takes in several good towns and the best part of this Province for improvement. Let his title be what it will, I am sure the people here will never submit to part with their lands to him, and he must bring an army if he means [to] get possession of them. After all, I pity the man, he is very necessitous and much in debt. Mr. Partridge intended to arrest him on an action of £2,000 he owes him; but I prevailed with him to forbear and enjoined the gentlemen of the Council to be civil to him, since he [had] bore the King's Commission as their Governor.

There is a most intolerable waste committed of the woods in N. Hampshire, I refer you to my letter to the Lords of the Treasury, a copy whereof goes. A speedy course should be taken to appropriate the woods wholly to the King, allowing only tenant right to the inhabitants of using the woods for building, fuel, etc. My said letter will in a great measure answer your orders of June 26, for therein I complain of Mr. Brenton's Deputies in N. Hampshire and Rhode Island. He is Collector in both those places and of this province. He is now in England. His deputies are stark naught. He is the only Patent-Officer in my three governments that acts by Deputy. He has a deputy of another kind, Ichabod Plaisted, surveyor of the woods in N. Hampshire under him, to no manner of purpose but for their destruction. I send a list of six persons best qualified in that province to be of H.M. Council. I find the provision of Naval Stores goes on very slowly there, yet the King is put to great charge. Mr. Partridge, one of the purveyors, owned to me at Pescattaway that pitch and tar could not be made in any quantity there, because of the scarcity of hands and dearness of labour, there being but 700 families computed to be in that province, and the least that's ever paid to a common labouring man 3*s.* per day. He owned my scheme (*April 7th*) was the only right method, and New York the fittest place. Mr. Partridge and Mr. Jackson complained that Mr. Bridger carries on a private management, which he keeps them strangers to, though they have as good authority to be concerned in a provision of Naval Stores as he has. He orders what work he pleases without consulting them, pays what he pleases and draws for money on the Navy Board from time to time, and they know nothing of the matter. They believed he had drawn for near £2,000. I do not find there is anything to show for it but [some] specimens of planks and knees for ships that he is now shipping for England. Mr. Partridge would undertake to furnish these for £200 at Pescattaway. I called upon Mr. Bridger here twice to to shew me his accounts. First he promised them, then made a trifling excuse and went away to Pescataway. I told him as Governor I had a right of general inspection, but he fancies he is only accountable to the Navy Board. I send his memorials and a copy of my letter to the Admiralty.

In my discourse to the Assembly of N. Hampshire I told 'em that if the Eastern Indians did commit any hostilities on them, I would find an easy way of subduing them. I meant that I would bring down the Mohack Indians to cut 'em off, who are a great terror to the Eastern Indians. But this will not be done unless the Government of England use its authority in obliging the people of Massachusetts Bay to contribute to the charge of such an expedition ; for they are as well interested in rooting out those Indians as the people of N. Hampshire are. I was no sooner arrived at New York last year, when hearing of the great mischief done this province by the Eastern [Indians] and the great number of people killed by 'em, I writ to the L.G., Council and Assembly and offered to send 2 or 300 of our N. York Indians to fall upon the Eastern. They refused my offer. I have been told their reason was they would not make use of the devil to destroy the devil ; such a nicety and squeamishness as all the rest of the world will laugh at. They own here at Boston that it has cost [em] above £100,000 to manage the war with the Eastern Indians during this last war, and this Province sustained the loss of 1,000 families. I am of opinion that for £3,000 they may have a party of the Mohack and other Indians to fall on the Eastern Indians and cut 'em off. Among the Acts passed by the Assembly of N. Hampshire, there is one for the making me a present of £500 (£350 sterling). I desire your favour in obtaining the King's leave that I may have the benefit of it. *Signed*, Bellomont. I have received the new Great Seal for N. Hampshire, lately sent by Mr. Secretary Vernon, and have defaced the old one and had the King's warrant recorded. *Endorsed*, Recd. Nov. 22, 1699. Read. Feb. 13, $\frac{1699}{1700}$. *Holograph.* 5 *pp.* *Enclosed*,

769. I. Abstract of above letter. 1½ *pp.*

769. II. Lord Bellomont's speech to the General Assembly of New Hampshire, Aug. 7, 1699. *Endorsed*, Recd. Nov. 22, 1699. *Copy.* 2 *pp.* Printed by Bartholomew Green and John Allen, Boston.

769. III. Answer of the General Assembly to Lord Bellomont's speech and congratulatory address to him. *Same endorsement.* 2 *pp.* *Printed Copy.*

769. IV. Copy of John Usher's reasons for refusing to sit in Council. Portsmouth, July 31, 1699. Having a command from Whitehall, Aug. 3, 1697, to take care of H.M. Government until Mr. Partridge had qualified himself or Lord Bellomont arrived, which commands was published in Hampton and Newcastle, Dec. 13, 1697, next day Mr. Partridge entered on the Government, with one hundred men seized the King's Port, and secured H.M. officer in the Sheriff, in contempt of the law which requires all persons to take an oath before entering on the Government. I charged him with this neglect and sent the charge against him to Whitehall. Until H.M. pleasure be known therein I cannot sit in Council with Mr. Partridge as L.G. *Signed*, Jno. Usher. *Same endorsement*, ¾ *p.*

769. V. Copy of John Usher's charge against Mr. Partridge (as above). Newcastle, July 31. *Signed*, Jno. Usher. *Same endorsement.* ½ *p.*

769. VI. John Usher to Lord Bellomont. In my letters to their Lordships at Whitehall, Feb. 16 and 18, $169\frac{6}{7}$, I laid a complaint against John Hincks, Wm. Vaughan, Richd. Waldron, for seizing H.M. Government, which I am ready to lay before you with my proofs. *Signed*, Jno. Usher. *Same endorsement.* ½ *p.* *Copy.*

769. VII. Messrs. Partridge, Hinckes, Vaughan and Waldron to Lord Bellomont. We send our reply to Mr. Usher's charges, from which it will appear that we are not the disorderly persons he has represented. *Signed*, Wm. Partridge, John Hinckes, Wm. Vaughan, Richd. Waldron, *Same endorsement.* *Copy.* 1 *p.* *Enclosed*,

769. VIII. Copy of replies to Mr. Usher's charges. (1) Mr. Partridge answers, that being informed the time for taking the oath enjoined on all Governors had been lengthened out another year, and Governor Lord Bellomont's arrival being daily expected, he by the advice of the Council, having taken the other usual oaths and caused H.M. Commission to him to be published, entered upon the Government, and his qualification was good. (2) John Hinckes, Wm. Vaughan and Richd. Waldron answer that, so far from seizing the Government and taking up arms against the King's Commission, they never acted but by the desire and consent of the very Council which Mr. Usher acknowledges as such. (3) The above accounts are true and all the disorders in the Government were purely occasioned by

1699.

Mr. Usher himself, as we, who were of the Council from the time of Mr. Usher's arrival until Mr. Partridge's entrance upon the Government are ready to take oath. *Signed,* Nath. ffryar, Peter Coffin, Nath. Wear, Henry Greene. *Same endorsement.* 2¼ *pp.*

769. IX. Copy of a petition by William Vaughan, Richd. Waldron, Henry Dow and Lt. Saml. Levitt against Col. Allen's Judges and other officers. *Same endorsement.* 1 *p.*

769. X. Copy of an Address of the House of Representatives against Col. Allen's administration, his judges and other officers. Aug. 10, 1699. *Same endorsement.* 2 *pp.*

769. XI. Copy of an Address of the Council and Assembly of N. Hampshire against Col. Allen's administration, etc. *Same endorsement.* 3 *pp.*

769. XII. Copy of the Address of the Representatives about the need of a fort at the mouth of Piscataway River. *Same endorsement.* 1¼ *pp.*

769. XIII. Copy of the Address of the Council and Representatives against Mr. Usher and vindicating Mr. Partridge. Aug. 16, 1699. *Same endorsement.* 2 *pp.*

769. XIV. Governor the Earl of Bellomont to the Lords of the Treasury. Boston, Sep. 8, 1699. I fear in a very little while, unless the whole arrear of subsistance of the Four Companies at New York be already paid in England, the Victuallers will be broke (they tell me they are out of pocket £7,000) and the soldiers turned a-grazing. *Refers to Col. Fletcher's Grants of Lands and the disadvantages of the system of Deputies, instancing Mr. Brenton's.* "I know by experience 'tis a very hard thing to find honest men in this part of the world to put into employment. The Clerk of the Council at New York and the Naval Officers who are the only officers I made there, prove both of them very idle, knavish fellows. They were the best I could get. But a Collector's is the most ungrateful office that can be; if he is just to his trust, they hate him mortally, so that I believe a man that's honest and of substance too, would hardly accept a Deputy Collector's place . . . I desire you will order Mr. Brenton to his post . . . I should advise your appointing a Collector for Rhodes Island and another for New Hampshire; they ought to be nicely honest, because they will be liable to temptations. They will deserve £100 a year each, and because the Collector will have little to do, there being very little trade there, he might be surveyor of the woods and receive that £50 a year, which Brenton has at present. I will be bound to say neither he nor Mr. Randolph who had it before him have ever done 6*d.* worth of service for it. Ichabod (Plaisted) the Deputy does as little good as Jahleel (Brenton), nay, does a great deal of hurt, for he trades in lumber and is building a saw mill to devour more timber. There are above

50 saw mills in the Province, half of 'em double ones. In a few years the King will not have a tree left that's fit for the mast of a ship. I should advise therefore that the Collector ought to be a right honest man and all the officers of the Province Englishmen, for they have little interests and friendships to gratify. They seem here to hate those that are English born as if they were foreigners. *Signed*, Bellomont. The Collector of N. York writes me that this proves the worst year ever known for the Customs. The produce of the sugar-islands failing this year, there is very little to be expected from the Customs this year. Only one sloop could get a loading at Barbadoes. *Reflects on the* "parcel of vile knaves and Jacobites who practice the law in New York. There is not one I have not proof of their being Jacobites and sinister practices, a softer word my Lord Bacon uses for knavish Lawyers," and *begs for an honest understanding Chief Justice and Attorney General. Same endorsement.* 4 *pp. Copy.*

769. xv. List of persons recommended by Lord Bellomont for the Council of N. Hampshire. William Vaughan, Samuel Penhallow, George Jeffrey, John Plaisted, Henry Dow, Mark Hunkin. *Same endorsement.* ½ *p.*

769. xvi. Mr. Bridger to Lord Bellomont, Aug. 30, 1699. We are very well satisfied with the quality of the tar so far obtained. The hemp we have planted is very like to prove beyond expectation. The rozen made in this river is approved of in England and here as good as any French. The masts are very good, and no other place produces the like for bigness. Rafters for oars are better than any other elsewhere. The oak timber is of a good sort and enough to supply the Navy, if demanded in time. If these specimens are approved, it will be absolutely necessary for H.M. to build ships for transporting these stores. *Copy.* 3¼ *pp. Same endorsement.*

769. xvii. Addendum to above, calling attention to the waste of mast trees, etc., contrary to a clause in the Charter. *Signed*, J. Bridger. *Same endorsement. Copy.* 1 *p.*

769. xviii. Lord Bellomont to Lords of the Admiralty, Boston, Sept. 7, '99. I commended to you Capt. Leader of the *Deptford*, who brought me from England; but I find that he has since misbehaved himself extremely in abusing several masters of ships, taking their men violently from them and selling them again. Piracy grows daily and there is no help for it unless you speedily send two men-of-war, and unless one of them is a 4th rate, I fear you will hear the pirates have taken them. The vast riches of the Red Sea and Madagascar are such a lure to seamen that there's almost no withholding them from turning pirates. I send you a copy of my letter upon the subject of Naval Stores. I send copies of Capt. John Evans' letters.

1699.

Signed, Bellomont. I have appointed Mr. Thomas Newton, a lawyer, to succeed Mr. Lynde, resigned, as King's Advocate in the Admiralty Courts of N. Hampshire, Rhode Island and this Province, and John Vallentine to be Register in this Province and N. Hampshire in place of Capt. Hammond, deceased. *Same endorsement. Copy.* 2 *pp.*

769. XIX. Copy of an Act for regulating officers' fees in N. Hampshire. April 5, 1698. *Same endorsement.* 5 *pp.*

769. XX. Memorandum of Minutes of Council of N. Hampshire. July 30—Aug. 17, 1699. ½ *p.*

769. XXI. Memorandum of Acts of Assembly of N. Hampshire begun Aug. 7, 1699. ¼ *p.* [*Board of Trade.* New England, 9. *Nos.* 66, 66 I.-XXI.; *and* (*duplicate, letters and enclosures without abstract or memoranda*) 67, 67 I.-XVII.; *and* (*without enclosures*) 37. *pp.* 341-362.]

Sept. 9. **770.** Minutes of Council of Massachusetts Bay. Letter to Sir Henry Ashhurst approved. Order to secure Caleb Ray. Petitions of Thomas Jacobs, and Seth Smith, committed for aiding pirates, for bail referred to the Judges. Accounts of Capt. John Hill, Commander of the Fort Mary at Saco, and of Mr. Bridger's Guard approved. Payment ordered. Memorial of the Eastern Indians renewing their submission to the Crown of England and making proposals for trade presented to the Governor. [*Board o Trade.* New England, 49. *pp.* 242, 243.]

Sept. 10. **771.** Copy of the Governor of Canada's passport to L'Espérance, with Brossard, St. Sauveur and John the Englishman, to go to Orange to fetch his sister and brother-in-law, prisoners of the Iroquois, recovered and brought there by the English. *Signed*, (Hector) Le Chevalier de Callières. 1 *p. French.* [*America and West Indies.* Canada, 485. *No.* 1.]

Sept. 11. Boston. **771** A. Governor the Earl of Bellomont to the Bishop of London. You have recommended Mr. Vesey to me in one or two of your letters and I prevailed with the Council to settle £26 a year on him for the hire of his house and resolved to prevail with the Assembly if possibly I could to settle on him and his successors in that cure a further maintenance of £50 a year above the £100 a year he has at present. He told Mr. Graham the Attorney General he was much melted by my kindness and my moderation in the administration of the Government; that he wondered how any of his congregation could be my enemies; that he was weary of his life and must forsake New York, he was so teazed and reproved by the angry party for preaching up a good life and the fruits of it, viz. Peace, Love and Charity. But I verily believe he wants honesty and is by the angry party bribed, and am persuaded you will be of that opinion when you have read the enclosed papers. I expect that you will consent to his being immediately deprived of his benefice. Mr. Dellius is a liar, a drunkard and an immoral man as I can prove undeniably. He defrauded the Mohacks and a letter has just fallen into the hands of Mr. Nucella, a Dutch minister at King's Town, New York, from a Frenchwoman, who was a prisoner at Albany, and writes to Dellius from Canada lamenting

1699. the disgrace of being with child by him. I cannot but fancy the sons of Eli that were destroyed by fire from Heaven were a type of Mr. Dellius. If he was innocent, why did he abscond when summoned to New York, as shown by the Minute of Council, June 21? Mr. Myles and Mr. Bridge are good preachers. I will give them all the encouragement I can. Our Church is very neat and convenient, but 'tis too small. *Signed*, Bellomont. *Endorsed*, Recd. Nov. 22, 1699. Laid before the Board, Jan. 25, $\frac{1699}{1700}$. *Copy.* 3 *large pp. Enclosed,*

771. I. Copy of the indictment against Mr. Vesey's father, upon which he was fined and stood in the pillory. *Endorsed*, Recd. Nov. 22, 1699. $1\frac{3}{4}$ *pp.*

771. II. Depositions of John Nanfan, Robert Walters and Simon Smith. Aug. 14, 1699. On July 9, Mr. Vesey prayed for Mr. Dellius in his pulpit, after he had been deprived by the Assembly. *Copy.* 1 *p. Same endorsement.*

771. III. Copies of letters from the L.G. of New York, June, July, Aug., 1699, about Mr. Vesey praying for Mr. Dellius and omitting to pray for the Governor. $2\frac{1}{2}$ *pp. Same endorsement.*

771. IV. Deposition of Mary Cross of Boston. About 12 months since at Braintry, Mr. Vesey baptised the children of Josiah Owen, who had married his brother's wife. *Copy.* $1\frac{1}{4}$ *pp. Same endorsement.*

771. V. Similar deposition of Susannah Saunders. *Copy.* $1\frac{1}{2}$ *pp. Same endorsement.*

771. VI. Minute of Council of New York, June 21. $\frac{3}{4}$ *p. Same endorsement.* [*Board of Trade.* New York, 8A. *Nos.* 43, 43 I.-VI.; *and* (*without enclosures*) 54. *pp.* 71-79.]

Sept. 11. Whitehall. **772.** Journal of Council of Trade and Plantations. Order of Council, Aug. 31, about Mr. Day, read. Letters in pursuance thereof ordered.

Order of Council, Aug. 31, upon the petition of Charles Walker, Anthony White, and Thomas Harford, read. The solicitor of that business ordered to lay before their Lordships the papers therein referred to as annexed.

Mr. Attorney and Solicitor General's opinion about an English ship arrived at Venice with logwood from Honduras, read. Representation ordered.

Sept. 12. Letter to the Earl of Jersey about Col. Webb's ship agreed upon, and signed.

Letters to Mr. Penn, Col. Quary, Governor Day, Messrs. Randolph, White, and Jones, signed.

Representation upon Ld. Bellomont's letter about Captain Kid and other informations about pirates in the West Indies, signed.

Representation about the French settling upon Sta. Lucia, signed.

Upon further consideration of Mr. Richardson's memorial (mentioned Aug. 22), directions for a representation to be laid before the Lords Justices were given. [*Board of Trade.* Journal, 12. *pp.* 171-174; *and* 96. *Nos.* 141, 142.]

1699.

Sept. 11. **773.** Minutes of Council of New York. Thomas Clark, an abettor of Kidd, absenting himself to avoid giving evidence about Kidd's goods in Connecticut, the Governor of Connecticut was desired to arrest and send him and his goods to New York or Boston. Powder and shot ordered to be sent to the Schaakhook Indians.

Sept. 13. Mr. Chiampanti, upon the Governor's recommendation, constituted Agent for the Province in England.

Capts. Robert and Thomas Drummond and Capt. Samuel Vetch summoned to appear before the Board at 10 to-morrow morning. John Tuthill summoned to appear with Capt. Clarke's letter. Upon the petition of Thomas Wenham complaining of the seizure of the *Speedwell* by the Deputy Naval Officer, John Parmyter, he was summoned to appear, and said the action was depending in the
Sept. 14. Admiralty Court. Petitioner ordered to make his defence there. [*Board of Trade.* New York, 72. *pp.* 280-283.]

Sept. 12. Whitehall. **774.** Council of Trade and Plantations to the Lords Justices. Having laid before your Excellencies, Aug. 10, a Representation relating to the seizure of some pirates in Pennsylvania and West New Jersey and being daily made more sensible of the protection such persons find in H.M. Plantations, we offer some account of further information lately received. *Substance of Lord Bellomont's letter of July 8 concerning Kidd, Bradish, Maise and Shelley, quoted. Information concerning Kidd, Henry Bolton and William Bourke communicated by the President and Council of Nevis, quoted. Governor Blakiston's advice of the seizure of Theophilus Turner and his depositions quoted. Governor Winthrop's announcement, that he had in custody ten of the seamen who ran away with the* Adventure (*Capt. Gullock*), *quoted.* "Which men are another part of the same company which Lord Bellomont calls Bradish's crew." *Governor Webb's account* (*June* 26) *of the* Sweepstakes *being run away with quoted.* Having understood that your Excellencies have already upon our Representations been pleased to give some directions about persons seized for piracy in Massachusetts Bay, New York, New Hampshire, Pennsylvania and East and West Jersey, yet considering the growth of piracy and the spreading of pirates into other Plantations which may be apprehended when they come to understand to what places the directions which they have reason to fear are not extended, the want of laws in some places for punishing them, the insecurity of the gaols in many, and the great partiality and favour of the people towards them almost everywhere, of which we have lately had a notorious instance in some trials in Rhoad Island, we humbly offer that all pirates seized in any of H.M. Plantations in America whatsoever be sent hither together with the evidences upon which they have been or shall be seized and which may be of any use for their conviction here, that so they may be tried and punished according to law, with such regard to the numbers that may be taken and the safe custody of them in their passages hither by sea as to your Excellencies shall seem necessary. And that the Governors or Commanders in Chief of all the Plantations be directed to insinuate in the best manner they can to any pirates not in their power that those who shall be forwardest to surrender themselves and most ingenuous in their confessions may have the surest grounds to hope for His Majesty's mercy. And that Lord Bellomont be particularly directed to use his utmost endeavours that the Jailer of Boston be punished with the utmost severity of the law for the escape of Bradish, and that if the law of that Colony be defective in that point he endeavour to get some more effectual act passed. Which provision of effectual laws to prevent the escape of all prisoners may be fitly recommended to all the Governors. *Signed*, Ph. Meadows, Jno. Pollexfen, Jno. Locke, Abr. Hill. [*Board of Trade*. Plantations General, 35. *pp*. 63-72.]

Sept. 12. Whitehall. **775.** Council of Trade and Plantations to the Lords Justices. Representation upon Mr. Grey's letter about the French settling upon Sta. Lucia. Upon some beginnings of a settlement made by the French upon that island about 1685, Col. Stede, then Lieutenant Governor of Barbados was directed in instructions from the late King James, March 19, 168$\frac{5}{6}$, (*See* Cal. A. and W. I. 1685, No. 603) to cause all foreigners, unless they acknowledged the King of England's sovereignty, to remove from the island, and upon all occasions in the best manner to renew the said claim and to give notice thereof from time to time to the French Governors and other officers in those parts. In 1686, Col. Stede having made several proceedings in prosecution of the forementioned instructions, an account thereof was transmitted by the respective Governors in those parts to the English and French Courts and an extract of a letter from Monr. Seignelay about the French claim, dated Nov. 19, 1686, having been laid before the Lords of the late Committee for Trade and Plantations, their Lordships agreed, Dec. 4, 1686, upon a state of the English Title to the island of Sta. Lucia. But the claims on both sides continued, and we find in the books in our custody a copy of a letter from the late King James to Col. Stede, dated April 1, 1688, wherein mention is made of Commissioners appointed by the said King James and the French King respectively for settling the bounds of the English and French Colonies in America and of an instrument signed and sealed by the said Commissioners for preventing hostilities, *etc*. between the respective subjects of both Crowns in those parts. Col. Stede was called upon to give an exact account of the boundaries and limits of the Government of Barbados. But we can find no copy of this instrument or of the proceedings of the Commissioners. Col. Stede, however, we find, appointed Commissioners to enquire into the King's title to the Islands of Sta. Lucia, St. Vincent's and Dominico, who made a report to him Sept. 23, 1688 (Cal. A. & W. I. 1688, No. 1898). It seeming to us by the aforesaid papers that his Majesty's title to the Island of Sta. Lucia is fully demonstrated, antecedent to any pretence made by the French, we thereupon humbly crave leave to offer your Excellencies some considerations upon the importance of it. The wood and timber that grows upon it, and which has been constantly fetched from thence to Barbados is of absolute necessity to that island, as well for his Majesty's forts there as for all other private occasions. If it should be possessed by any foreigners it would facilitate the escape of debtors, servants and negroes that at any time should have a mind to run away from Barbados, because it lying to the leeward and in sight of Barbados, they could easily get thither. In time of war the possession of it by an enemy would be of the utmost mischievous consequence, because there is at Sta. Lucia a very good port for ships. And all ships from Barbados are obliged to pass to leeward, and for the most part in sight of it. Upon all which considerations, as well of interest and conveniency, we propose that such directions may be given to Mr. Grey and such care otherwise taken as your Excellencies shall think most proper to maintain his Majesty's right to the aforesaid Island of Sta. Lucia and to prevent the French from settling upon it. *Signed*, Ph. Meadows, John Pollexfen, John Locke, Abr. Hill. [*Board of Trade.* Barbados, 44A. *pp.* 325-329.]

Sept. 12.
Whitehall.

776. Council of Trade and Plantations to Governor Day. The enclosed order of Aug. 31 being an entire approbation of our proposals, we will only add this word of advice, that you can have no fairer opportunity of regaining that credit which your late imprudent conduct has impaired, than by complying candidly and ingenuously with its requirements. *Signed*, Ph. Meadows, Jno. Pollexfen, Jn. Locke, Abr. Hill. [*Board of Trade.* Bermuda, 29. *pp.* 209, 210.]

Sept. 12.
Whitehall.

777. Council of Trade and Plantations to Edward Randolph, Col. White and Edward Jones. We enclose the Order in Council of Aug. 31. We have sent a duplicate to Mr. Day, and you will do well to apply unto him for such commissions as he is thereby directed to give you and then to proceed speedily in the execution of them with all manner of fairness and impartiality. *Signed*, Ph. Meadows, Jno. Pollexfen, Jn. Locke, Abr. Hill. [*Board of Trade.* Bermuda, 29. *pp.* 210, 211.]

Sept. 12.

778. Council of Trade and Plantations to William Penn. We enclose copies of the Orders of the Lords Justices, Aug. 31, that you may take care they are in every respect punctually observed. We are to supply to you their Excellencies' further directions. *Instructions given as proposed in the representations of Aug. 4 and Aug.* 10. 4 *pp.* *Signed*, Ph. Meadows, Jno. Pollexfen, Jno. Locke, Abr. Hill. [*Board of Trade.* Proprieties, 26. *pp.* 98-102.]

Sept. 12.
Whitehall.

779. Council of Trade and Plantations to Robert Quary. The reason for our not answering you before we acquainted you with by the ship in which Mr. Penn sailed [the *Canterbury Merchant*]. The Orders of Council (Aug. 31) are now transmitted to Mr. Penn. As he is directed to reform abuses and to support Admiralty officers, so you must be careful that those officers be respectful towards him, and that no unnecessary divisions be fomented. Their Excellencies have also given directions about pirates seized, which will undoubtedly be sent. *Signed*, Ph. Meadows, John Pollexfen, John Locke, Abr. Hill. [*Board of Trade.* Proprieties, 26. *pp.* 102-105.]

Sept. 12.
Whitehall.

780. Council of Trade and Plantations to the Earl of Jersey. We enclose copy of Col. Webb's letter (June 26). *Signed*, Ph. Meadows, John Pollexfen, John Locke, Abr. Hill. [*Board of Trade*, Proprieties, 26. *pp.* 97, 98.]

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Sept. 14. **781.** Sir John Hawles (Solicitor-General) to the Council of Trade and Plantations. I have considered the petition of Mr. Bate and the papers and letters patents bearing thereon (enumerated), and think there is no pretence of title to the lands in question in the King upon Dr. Delarouze's being an alien. The letters patent of Charles I. in general words sufficiently authorised the Earl of Carlisle to endenizen in the island. Anyhow the many years' quiet enjoyment of his estate by Delarouze would cause a prosecution to be thought very hard and not to prevail. *Signed*, John Hawles. *Endorsed*, Recd. Sept. 14, Read Sept. 15. 2 *pp.* [*Board of Trade.* Barbados, 8. *No.* 16; *and* 44 A. *pp.* 331-333.]

Sept. 14.
Whitehall.
782. Representation of the Council of Trade and Plantations to the Lords Justices upon the case of Sir Peter Colleton's Executors v. Col. James Colleton of Barbados, recommending the Order in Council, Sept. 26. [*Board of Trade.* Barbados, 44 A. *pp.* 329-331.]

Sept. 14. **783.** Minutes of Council of Massachusetts Bay. Expenses of dieting witnesses against Bradish paid. Warrant issued for a supply of £300 of cloths etc. for trade with the Indians. [*Board of Trade.* New England, 49. *pp.* 243, 244.]

Sept. 14.
Whitehall.
784. Journal of Council of Trade and Plantations. Mr. Secretary Vernon desiring to know whether Sir Wm. Beeston had sent any complaints against young Mr. Brodrick, whom Mr. Brodrick, late Attorney General at Jamaica, had left there in some public office, ordered that an extract of Sir William Beeston's letter, July 5, 1698, be sent to him.

Representation upon Mr. Richardson's petition (case of Sir Peter Colleton's executors, Barbados), signed.

Representation upon Trade from Honduras to Venice agreed
Sept. 15. upon and signed.

On consideration of Col. Blakiston's letter of May 20 about appeals from Maryland, ordered that Lord Baltimore's patent for Maryland be looked into.

Papers that should have been annexed to Order of Council, Aug. 31, considered. Letters to Mr. Day and to Messrs. Randolph, White and Jones, ordered.

Mr. Solicitor General's report upon the case of Richard Bate read and representation ordered accordingly. [*Board of Trade.* Journal, 12. *pp.* 175-177; *and* 96. *Nos.* 143, 144.]

Sept. 15.
Custom House London.
785. John Sansom to William Popple. The Commissioners of Customs desire a copy of Gov. Nicholson's Instructions. *Signed*, Jno. Sansom. *Endorsed*, Recd. Sep. 15. Read Sep. 19, 1699. ¼ *p.* [*Board of Trade.* Virginia, 7. *No.* 1; *and* 37. *p.* 336.]

Sept. 15.
Boston.
786. Mr. Addington to Mr. Popple, transmitting Minutes of Council and Journal of Assembly and Acts and Laws passed, Massachusetts Bay, Ap. 11—Aug. 24, 1699. *Signed*, Isaac Addington. *Endorsed*, Recd. Dec. 1, 1699. 1 *p.* [*Board of Trade.* New England, 9. *No.* 68; *and* 37. *p.* 229.]

Sept. 15.
Boston.
787. Governor the Earl of Bellomont to William Popple. Mr. Weaver being made Collector of N. York, I have appointed Mr. Chiampanti, son of Sir John Chiampanti, Agent for the Province.

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if he will accept of it. He is an honest, ingenious man, and I desire you will instruct him in the business of the Agency. *Signed*, Bellomont. Please let Sir Harry Ashhurst have a sight of my letters about this province and N. Hampshire. I have not been able to get them copied. I send the speech of Mr. Cranston, Governor of Rhode Island, to the Assembly about a fortnight since, as a specimen of the temper of that people. 'Tis an original for insolence and nonsense. But that I know that Government and people to be the most piratical in the King's dominions I should not much care to execute this commission sent me by Mr. Secr. Vernon, for to be sure I shall have a million of curses. I desire you will procure the reading my letter to the Bishop of London to my Lords of Trade and to send a copy of my letter of Ap. 17 to the Lords of the Admiralty. *Endorsed*, Recd. Nov. 22, 1699. Read Jan. 9, $\frac{1699}{1700}$ 2¼ *pp.* (*with abstract*). *Enclosed*,

787. I. Memorandum of a copy of Governor Cranston's speech, Aug. 21, 1699.

787. II. Memorandum of a copy of Lord Bellomont's letter to the Treasury, Sept. 8, 1699. [*Board of Trade.* New York, 9. *Nos.* 1, 1 I.-II.; *and* 54. *pp.* 31-34; *and* (*abstract*) 15. *p.* 67.]

Sept. 15. **788.** Copy of Governor Cranston's Speech to the Assembly of Rhode Island upon notice of Lord Bellomont's coming to examine into the misdemeanours of the Government. Aug. 21, 1699. *Endorsed*, Recd. Nov. 22, 1699. Laid before the Board, Jan 9, $\frac{1699}{1700}$. 2 *pp.* [*Board of Trade.* Proprieties, 4. *No.* 34.]

Sept. $\frac{15}{25}$. Dieren. **789.** William Blathwayt to William Popple. There will be no further occasion for subsistence to the Company at Jamaica, H.M. orders with two duplicates having been at several times sent to that island very early in the spring for disbanding it. *Signed*, Wm. Blathwayt. *Endorsed*, Recd. Sep. 25. Read Sep. 26, 1699. [*Board of Trade.* Jamaica, 8. *No.* 134; *and* 56. *p.* 367.]

Sept. 15. Whitehall. **790.** Representation of the Council of Trade and Plantations to the Lords Justices upon the petition of Richard Bate recommending an Order in Council be made to the effect of (*No.* 781). *Signed*, Philip Meadows, John Pollexfen, John Locke, Abr. Hill. [*Board of Trade.* Barbados, 44 A. *pp.* 333-335; *and* 65. *pp.* 480, 481.]

Sept. 15. Whitehall. **791.** Council of Trade and Plantations to the Lords Justices. Representation on the case of the *Sea-Flower* (*vide July* 5 *and* 7). Honduras being no part of H.M. Plantations, there is no law which forbids the carrying of logwood thence to Venice, unless it be in ships belonging to H.M. Plantations. But by the Act of the 9th and 10th of his present Majesty to settle the Trade to Africa, the *Sea-Flower* is liable to forfeiture if she has pursued her voyage from Venice to Guinea. The matter do's not appear unto us to be altogether of so ill-consequence as the letter from Venice sets it forth. For though it would be to the advantage of H.M. Customs that no American commodities were carried to any place in Europe nor European commodities to Africa without first paying the duties imposed by law in England, if any effectual law were or could be made to reach all those cases, yet, considering the drawbacks that are allowed here upon the exportation of all such commodities (not reckoned upon in the said letter), the prejudice arising to his Majesty in the present case will be found much short of the computations there offered. But considering further that Honduras is no part of H.M. Plantations and that the logwood which grows there may be cut and carried directly from thence to any place in Europe by any other nation as well as English, it seems some sort of hardship that Englishmen should not have the same liberty as others to reap any advantage that may be made by that trade. Nevertheless, the clause in the Act of the 22nd and 23rd, Car. II., whereby a greater restraint is laid upon ships belonging to H.M. Plantations than upon other English ships, having been intended for the better preventing of all private trade with the enumerated commodities (whereof dyeing wood is one) from H.M. Plantations to all places in Europe without first paying duties in England, and it being highly necessary that the utmost care and watchfulness be constantly employed for preventing of that pernicious practice, we think that H.M. Commissioners of Customs should be instructed to take care that the *Sea-Flower*, whenever she returns to England or can be met with, be prosecuted according to those Acts which she shall be found to have transgressed. *Signed*, Ph. Meadows, Jno. Pollexfen, Jno. Locke, Abr. Hill. [*Board of Trade.* Trade Papers, 14. *pp.* 345-348.]

Sept. 16. St. John's. **792.** Minutes of Council and Assembly of Antigua. The Assembly presented the Supplementary Act to the Act of Militia. They proposed that, the importation of Irish Roman Catholic servants being very great and likely to prove of very evil consequence, they should not be reckoned in the number of those appointed by the Act for the encouragement of the settlement of the Island with white people. The Governor and Council concurred, reserving for consideration the Assembly's further proposals that the Bill restraining Papists intermarrying with Protestants and the Bill for Aliens should be made into Laws.

The Assembly proposed that the guns intended for the platform at Parham should be mounted in the Fort of St. John's and sizeable shot for the guns sent to Willoughby Bay platform.

A Joint Committee was appointed to draw up an act relating to Special Courts.

Some land in St. John's was granted to John Raine.

Some land in Parham was granted to Peter Lucas. [*Board of Trade.* Leeward Islands, 64. *pp.* 317-321.]

Sept. 17. H.M.S. *Hampshire*, St. John's Harbour. **793.** Capt. Leake's answers to the enquiries of the Council of Trade and Plantations (Ap. 12). List and description of the vessels and their crews in the various harbours and coves of Newfoundland. (22 *pp.*) Total: 236 ships, 5,120 men in the ships, 805 Adventurers' Boats, 115 By-boats, 520 By-boatmen, 467 Planters' Boats, 3,171 inhabitants, 465 stages. There were 68 sacks and 166 fishing ships. 300 quintals of fish were taken by each boat and sold at 24 Ryalls per quintal.

The inhabitants live by catching fish which is then splitted, salted and laid on flakes to dry, which will be six weeks before it be thoroughly cured. Their employment in the winter is by sawing trees to make board for building shallops, and some go a furring, the Western Charter is broken in some particulars. The Colony is not able to support itself, for they have their provisions and necessaries for fishing mostly from England: the commodities which are brought from New England is bread, tobacco, molasses and rum, which is a considerable quantity. They make no destruction of the wood, but the stages that are left behind are generally destroyed by bad weather and inhabitants together. Neither is there any want of wood to build stages. They generally seize on the best fishing places, but do not destroy anything to obstruct the Adventurers. The boat-keepers that stay behind do not begin first to destroy the stages, but what bad weather has occasioned the breach. They have not any supply of cloths, nets and other necessaries for fishing, only some provisions and liquors from New England. The chiefest sustenance the planters receive from land is deer, bear and beaver, which they commonly eat. Their trade is but little as to fur, only the N. parts, viz. Bonavista. The trade between New England and Newfoundland is by the New England men bringing rum and other liquors, which debauch the fishers, who run in debt and commonly hire themselves as servants for the payment. The inhabitants commonly sell their fish cheaper than the fishing ships. The New England men exercise their fishing trade only on their own coast, and take considerable quantities. The Masters do not encourage their men to stay behind, only those which request it when shipped. The New England ships carry away from hence a great many men, there being such great wages given to seamen there. The rules of the Western Charter is generally broke by the Adventurers by coming out of England sooner than the limited time, and in the country by ryneing of trees to cover their houses and cook-rooms.

The French shipping wholly employ themselves about the fishery, and meddle not with any trading for furs; they usually bring a small matter of merchandize from Europe with them for supplying the inhabitants; the ships in Placentia keep from 5 to 20 boats. They are in all about 60 sail, who allow as we do 3 men to each shallop for ketching the fish and two ashore for working the same when brought in. They depend not on sack-ships for fetching their fish off, neither have they any by-boat keepers, but are wholly ship's crews and planters. The latter are about 30 families; ships' burthen from 70 to 3 or 400 tuns. At Placentia there is about 120 people; at Little Placentia 11 families; at Green Pond 5 families; at St. Mary's only one; on the island of St. Peter two or three and twenty; in the Bay of Fortune a few. Those wholly mind the fishery in summer, and winter drives a small trade in furs. The French Plantations are of no other use more than preserving the boats, craft and other goods left by the merchants' ships for the succeeding voyages, and do not meddle in cultivating the ground, but in winter usually follow hunting for deer and other beast, and cut down trees for board and making oars for the summer's expedition. They sell their fish from 7 to 8 livers per quintal, which is nigh about the price sold by the English, though they can well afford to sell cheaper than us, and are at less time in

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making their fish, and for the number of boats generally catch more fish than the English do, and victual their men cheaper. They commonly arrive a month into the country before the English, by reason their part of the land is commonly free of ice when ours is fully blocked up. They frequently depart a month or six weeks sooner than our ships, and furnish the markets in the Streights with fish before our shipping arrives, viz., Aligant, Barcelona, Genoa, Leghorn, Naples, etc. The French are more in number at Placentia by ten sail than last year, which adds 70 or 80 to the number of about 400 boats kept on the fishing; and generally in all their harbours adjacent is more boats kept than last year, though their voyages this last two years have been much inferior to what has been made formerly. At Placentia is a fortification of 44 very good cannon at the larboard side going in, one of four, and another of six, all fronting the entrance of the harbour, and on a very steep mountain is another of 8 guns, which is all the fortification in that place, and on that part of the island in those garrisons is about 60 soldiers besides officers commanded by Mounseir de Coastebell in the absence of the Count Brouillont, who has been this two year in France. They are extraordinary well stored with all ammunition, but yearly depend on the shipping for bringing provision for the garrison. No foreign ships fisheth on our eastern coast. Placentia is much stronger than formerly when Sir Francis Wheeler was before it, and they are daily working about the fortifications in enlarging them, so whenever is occasion to gain such a place, must be no otherwise than by bombing of it. On the Banks the French are yearly in great numbers, most belonging to Rochelle, Normandy, and Bordeaux; on the coast of Canada their trade is wholly in furs etc. with the Indians; they follow not the fishery, but come yearly to Placentia to buy fish and return with it to Quebec, which is the chiefest place on that coast. The Bay of Fortune on the W. side of Newfoundland is frequented by the Biskaires which come to make voyages as we and the French do, but in no great number of ships. The French make greater advantage by this country than the English, by reason they have the better part of the land, both on the N. and S. of it.

By what I have from several hands that our Bay of Bonavista affords many secure harbours for shipping, I had an order from the Admiralty to make survey of it, but coming so late into the country, lacked time. I am informed it is the best land on the island. I don't doubt but their Lordships will take it into consideration, and send a small vessel early next year on that service; it is a large tract of land and will require at least 3 months' time to take a complete survey thereof, there being a great number of rocks in the bay. *Signed*, Andw. Leake. *Endorsed*, Recd. Oct. 23. Read Oct. 26, 1699. 27 *pp.* [*Board of Trade.* Newfoundland, 3. *No.* 150; *and* 25. *pp.* 322-330.]

Sept. 18.
St. John's.

794. Capt. Lilburne, C. in C. in Newfoundland, to Mr. Blathwayt. The enclosed are copies of letters I received from Ferriland. I delivered the original letters to Capt. Andrew Leake, of the *Hampshire*, with the four prisoners taken in Ferriland, and two prisoners that attempted to run away with a ship from the Bay of Bulls, whom upon receipt of a letter, I marched, Ap. 12th.

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to surprize with 30 men, but the letter of the 14th came with the prisoners. I returned to St. John's and wrote to the L.G. of New England to enquire after the welfare of those masters mentioned in the letter and received an answer per Mr. Reinkin who has taken his affidavit with four of his men that on Ap. 1 these four men did strip them of their clothes and money and what they could get out of the vessels. The letter I received from New England and a copy of what I writ thither with the affidavits, and two of the men that was robbed by these men are put on board the *Deal Castle* to be sent to the Lords of the Admiralty to be evidence against these prisoners. *Signed*, W. Lilburne. *Endorsed*, Recd. Read Oct. 26th, 1699. 1¾ *pp.* [*Board of Trade.* Newfoundland, 3. *No.* 149; *and* 25. *pp.* 319-321.]

Sept. 18. **795.** Minutes of Council and Assembly of New Hampshire. The Assembly was adjourned by the L.G. till Nov. 7. [*Board of Trade.* New England, 49. *p.* 545.]

Sept. 18.
Whitehall.
Sept. 19
and
Sept. 20.

796. Journal of Council of Trade and Plantations. Opinions of Mr. Attorney and Solicitor General and of Sir Charles Hedges concerning appeals from Maryland, desired. Mr. Sansom's letter, Sep. 15, read. Reply directed and approved. Letters to Messrs. Day, Randolph, White and Jones agreed upon and signed. Representation upon the case of Richard Bate agreed upon and signed. Letter to Col. Blakiston agreed upon and signed.

Sept. 21. Acts of the General Assembly of Jamaica, June 27, and Acts of the General Assembly of New York, March 2—May 16, 1699, sent to Mr. Attorney General for his opinion.

Letter from Capt. Norton, L.G. of St. Christopher's, May 3, read. Copy of enclosed address and memorandum of stores wanting there ordered to be sent to Mr. Yard. Directions for an answer to Capt. Norton given. [*Board of Trade.* Journal, 12. *pp.* 178-183; *and* 96. *Nos.* 145-148.]

Sept. 19.
Whitehall.

797. Mr. Popple to the Attorney or Solicitor General, and to Sir Charles Hedges. A doubt having been proposed by Governor Blakiston relating to appeals from Maryland in cases tried by the Vice-Admiralty Court, their Lordships have commanded me to send you the enclosed copies which he has sent them of the clauses in his Commissions and that of the Judge of the Vice-Admiralty Court, and to desire your opinion in answer to his query. *Signed*, W. Popple. *Endorsed*, Recd. Sept. 30. Read Oct. 3, 1699. *Enclosed*,

797. I. Copy of the clauses in the commissions referred to with Col. Blakiston's query about appeals. *Annexed*,

Sept. 28. 797. II. The Attorney General to Council of Trade and Plantations. I am of opinion that in regard there are express clauses both in the Commission of Vice-Admiral and in the Commission to the Judge of the Vice-Admiralty which do allow a right of appeal from any sentence in that Court to the Court of Admiralty in England, that, where either party thinks himself aggrieved by any sentence given in the Vice-Admiralty Court, he hath a right to appeal to the High Court of

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Admiralty in England, and that such appeal must be allowed there. *Signed*, Tho. Trevor. [*Board of Trade. Maryland*, 3. *Nos.* 73, 73 I.-II.; *and* 9. *pp.* 400, 401, 408.]

Sept. 20. **Whitehall.** **798.** Council of Trade and Plantations to Governor Blakiston. We have received your letters of Jan. 29, May 20, and June 18. We are glad to understand your safe arrival in Maryland and to observe your care in the affairs of that Province, and therefore doubt not of your prudent conduct in the business of the General Assembly whereof we hope your next will bring us a good account. The depositions of Theophilus Turner with your letter to Mr. Secretary Vernon happening to come at the same time with other informations of the like nature from other places, have given us occasion to prepare a report to be laid before the Lords Justices about Pirates in the Plantations, which we doubt not will produce orders for your and the Governors of His Majesty's other Plantations future direction. You do well to give us advice of the three seizures of ships, and will do well to continue any such like advices, for they may sometimes be useful for our information. But as for directions upon these cases or upon your query about Scotchmen residing in England, we must refer you to the Commissioners of Customs, who have already writ to you. We are very well pleased with the thought you say Lord Bellomont, Col. Nicholson and yourself have to meet at Philadelphia, and the rather because Mr. Penn will probably be there at the same time. It is a great opportunity the Governors of so many provinces may have to advise together about things of general advantage. In our letter of Sept. 2, 1697, to Col. Nicholson we sent him the copy of an order of Council of the late King James with directions upon it for settling the boundaries between Maryland and Pennsylvania, together with a letter from Mr. Penn to Col. Markham directing him also to concur therein, but not having understood from Col. Nicholson that the thing has yet been done, and esteeming it very necessary for the preventing of disputes between those two provinces, we send you here enclosed another copy of the said Order (Nov. 13, 1685), that you may endeavour to have it executed whilst Mr. Penn remains in the country. In recommending the Attorney General of Maryland you omit to mention his name, but having searched into other papers we think he is Mr. William Dent who, we find, is also Advocate General. We observe that Col. Nicholson having formerly recommended him to us that he might be Sollicitor General, did upon our signifying to him that we thought it not convenient to propose the establishment of a new office, answer us, Aug. 20, 1698, that he would endeavour to make Mr. Dent some other satisfaction for his services. We can hardly doubt he has done something of what he designed, and, at least, that the making him Attorney General, which we observe by Mr. Dent's own petition is a place that has fees belonging to it, has been done upon that consideration, and that the place of Advocate General is also a further encouragement to him. Wherefore, though we think it very reasonable that Mr. Dent be rewarded according to his merit, yet we do not esteem it proper for us to meddle therein at present. There are

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several things mentioned in your instructions that you are directed to send us from time to time, which we desire you to be careful in observing, but there is one thing further which we have from some places and not from others and are therefore now desiring it from all. It is a copy of the form of writs for the election of Assemblymen. This may sometimes be of use to us. As to the doubt which you propose about appeals, we do not see any contradiction between the clauses which you have sent us out of H.M. Commission to you for the government of that province and those of the Commissions issued out of the High Court of Admiralty. But if you find any inconvenience in pursuing the directions of each Commission as different cases respectively may require, we will use our best endeavours upon any notice thereof that such remedies be applied as may be fit. *Signed*, Ph. Meadows, Jno. Pollexfen, Jno. Locke, Abr. Hill. [*Board of Trade.* Maryland, 9. *pp.* 401-407.]

Sept. 20. **799.** Mr. Popple to Mr. Sansom. The Council of Trade and Plantations are in doubt whether without leave they may give any entire copy of the whole Instructions to Gov. Nicholson. But if you will let me know upon what matter the Commissioners of Customs desire to be informed their Lordships will order extracts to be sent. [*Board of Trade.* Virginia, 37. *pp.* 337, 338.]

Sept. 20.
Whitehall

800. Council of Trade and Plantations to Governor Day. We require you to transmit your reasons for removing Charles Walker, Col. White and Capt. Thomas Harford from the Council, together with the charge, proofs and answers. This is a new occasion to observe the irregularity of your conduct, and also your neglect of sending to us the transcripts of all Journals of the Council and other public proceedings, which we cannot but look upon as an omission designed on purpose to cover disorderly practices. *Signed*, Ph. Meadows, Jno. Pollexfen, Jno. Locke, Abr. Hill. [*Board of Trade.* Bermuda, 29. *pp.* 211, 212.]

Sept. 20.
Whitehall.

801. Council of Trade and Plantations to Edward Randolph, Col. White and Edward Jones. We require you, or any one of you, except Mr. White in his own case, to enquire particularly into each of the cases of Messrs. White, Walker and Harford (*see preceding abstract*), and to report what has been done and shall be done thereupon by Mr. Day. *Signed*, Ph. Meadows, John Pollexfen, John Locke, Abr. Hill. [*Board of Trade.* Bermuda, 29. *pp.* 213, 214.]

Sept. 21. **802.** Governor Day to Council of Trade and Plantations. I received your letter of Jan. 2 from Capt. Tucker in August, and immediately issued a proclamation forbidding all persons from having any correspondence with the Scotch or giving them any assistance. Since which I have news that the Scotch have quitted and wholly relinquished their possession amongst the Spaniards and are run away, but some discourse as if they were on a further design. I have also an account of Captain Kidd being taken and now in irons in New England, with several of his company and great quantities of their riches and wealth taken. As I was writing this, arrived here one Capt. John Trimingham, commander of the brigantine *Larke* of these islands from New York, who gives me an account, that about the latter end of April last, one Capt. Hind, a notorious pirate and sea-rover, having lately got into a brigantine with a mixt company of Dutch, French and other people, came up with an English-built ship mounted with two and twenty guns called the *Providence* galley, under the command of Capt. William Rhett of Carolina, who made a very generous defence, but was outdone and taken by the said Pirate; that having taken the said ship, Hind and his mixed and divided gang fell into a mutiny. And the English party prevailing, they laid hands and exercised their power on their Captain, Hind, and turned him and fifteen more of his comrades on shore on a place called the Berry Islands, about ten leagues to the leeward of Providence, allowing them three small arms and a bottle of gunpowder. After this, one, John James took upon him the command of the ship, and standing out to sea they spied a sail, which proved to be a man-of-war, and they chased her into Virginia, having killed her above forty men. And the said Pirates, James and Company have given out that they resolve to stay there and take a better ship, which lies within the capes of Virginia. And I have news of several other vessels, some belonging to these Islands, which have been taken by the pirates aforesaid, but cannot at present give a particular account. *Signed*, Sam. Day. *Endorsed*, R. Oct. 30. [*America and West Indies.* Bermuda, 477. *No.* 58.]

Sept. 21.
Boston.

803. John Usher to the Council of Trade and Plantations. Repeats his charges and says he is ready to prove them. *Signed*, John Usher. *Endorsed*, Recd. Nov. 22. Read Dec. 5, 1699. 1 *p.* *Enclosed*,

803. I. Copy of John Usher's letter to Lord Bellomont, giving his reasons for not taking the oath as a Councillor. Portsmouth, July 31, 1699. *Signed*, John Usher. 1 *p.* [*Board of Trade.* New England, 9. *Nos.* 69, 69 I.; *and* 37. *pp.* 190-193.]

Sept. 21.

804. Sir Charles Hedges to Mr. Popple. Answer as to appeals from Maryland to same effect as (*No.* 797 II.). *Signed*, C. Hedges. *Endorsed*, Recd. Sept. 22. Read Oct. 3, 1699. [*Board of Trade.* Maryland, 3. *No.* 74; *and* 9. *pp.* 408, 409.]

Sept. 21.

805. William Popple to Sir John Hawles. The Lords Commissioners desire your opinion upon the enclosed packet of Acts past in the General Assembly of New York, March 2—May 16, 1699, and also upon a former parcel of Acts of the said province sent you Sept. 22, 1698. *List of Acts annexed.* [*Board of Trade.* New York, 53. *pp.* 370-373.]

Sept. 21.
Whitehall.

806. William Popple to Sir Thomas Trevor. I send for your opinion a packet of Acts passed in the General Assembly of Jamaica, June 27. *List of Acts annexed.* [*Board of Trade.* Jamaica, 56. *pp.* 360-362.]

Sept. 21.
London.

807. Lords Proprietors to the Governor and Council of S. Carolina. We expected you should have countenanced our judge, but can easily discern that you raise him all the enemies and

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troubles that you can. He is not altogether blameless. We earnestly desire that what is past may be forgot, and that for the future you should give him due assistance as we shall require him to carry himself with all respect to you and justice and kindness to the people. You will do well to observe the Acts of Parliament for regulating the Plantation Trade, but must not oppress the people by vexatious seizures. We are somewhat surprized that our Judge of the Admiralty, and Mr. Bellinger, one of our Deputies and Surveyor General, should take other Commissions. Pray send us a copy of them, and then you shall hear further concerning this matter, which you have embroiled as much as is possible for you to do. 'Twas much the blustering of Mr. Randall should make you forget us, yourselves, and the country. As to the constitutions, 'tis for the people's sake we desire they may pass not our own, and when they can judge calmly, they will be glad to lay hold of such an offer. We are well satisfied with your behaviour towards the French. We fear the Act against Pirates would not go without the Repealing Clause and Amendment because of your willingness to connive at that sort of people, whom you must prosecute with the utmost severity. We are very glad Mr. Marshall answers the character we gave him and thank you for the Act of Assembly for his provision and his successors. We will return the Acts with all convenient speed. *Signed*, Bathe Palatine, Wm. Craven, Bathe for Lord Carteret, Wm. Thornburgh for Sir Jno. Colleton, Tho. Amy, Wm. Thornburgh. [*Board of Trade.* North Carolina, 4. *pp.* 73, 74.]

Sept. 21. **808.** Lords Proprietors to Edmund Bohun, Chief Judge of Carolina. We are sorry you have not met with the assistance you should have had, but you have yourself acted irregularly. We expect you should show the Governor and Council all respect, and recommend you not to show too great a love for money, which is not beautiful in any man, but worse becoming a Judge. Take no more than your dues and if they at present be of the least, consider time will mend them, and if that don't, there may be means found to do it. *Signed as preceding.* [*Board of Trade.* North Carolina, 4. *p.* 74.]

Sept. 21. **809.** Lords Proprietors to John Ely, Receiver General of South Carolina. We note that you have an accompt of at least £2,000 in arrear of rent, which you hope will be speedily got in. We expect you should by the next ship send us our accompt, and in rice and other commodities the balance thereof. We are pleased with your diligence. Stay proceedings at law against Sir Nath. Johnson or his bonds till further orders. *Signed as preceding.* [*Board of Trade.* North Carolina, 4. *p.* 75.]

Sept. 21. **810.** Lords Proprietors to Governor and Council of Bahama Islands. We understand from Pennsylvania that your Governor Webb has left you without any order from us, but hope he has observed his Instructions in appointing a Deputy. We expect he and you shall act according to law and justice, discouraging vice, especially piracy, the reigning vice of the West Indies, which if not rooted out will destroy all commerce. We wonder how you came to take upon you the auditing the Governor's accompt, and much more that you pretend to allow disbursements without our order. We have sent you two laws which we approve, but can't allow the form; for the power of making such laws is by Charter granted to the Lords Proprietors (with the consent of the people), of whom you are pleased to take no notice, which we have only rectified; an Act for enrolling strangers etc., and an Act for appointing eleven men with a Captain to wait upon the Governor. Two we have not thought fit to assent to;—(1) An Act for making Hog Island a free common, because we had granted it to Col. Nicholas Trott and have given you no power to dispose of our estate. (2) An Act to prevent adultery and fornication, because it will rather encourage that vice than punish it and you may lay a penalty on the aggrieved person, when you lay a fine upon the wife which must be paid by the husband. We recommend to your care Mr. Dudgeon, to whom we have granted some land on Abucco and Andrews Island, with a liberty to fish for whales, or some from him who intend to set to work next spring; and Mr. Gore, your Secretary, who will come to you this shipping. *Signed*, Bathe Palatine, Craven Bathe for the Lord Carteret, Wm. Thornburgh for Sir John Colleton. [*Board of Trade.* North Carolina, 4. *p.* 75.]

Sept. 20. **811.** Copies of Commission and of Instructions from the Lords Proprietors to Thomas Gower, Secretary of the Bahama Islands. *Signed as preceding.* [*Board of Trade.* North Carolina, 4. *pp.* 76, 77.]

Sept. 21. Parham. **812.** Minutes of Council and Assembly of Antigua. A letter from the President of Nevis, requesting the Acts of General Council and Assembly confirmed by His Majesty to be sent to Nevis, was read. The Council decided that the said Acts ought to remain in the Secretary's office, pursuant to a late Act.

The Assembly presented engrossed the Act for ascertaining to what executors are entitled of crops growing on the ground of tenants for life, in dower and at will.

A supplemental bill to the last Act of Courts was twice read in Assembly and sent up.

The Council disapproved of the Act restraining Roman Catholics intermarrying with Protestants, but whilst approving of the Bill for aliens, proposed to hold it over till the arrival of the Governor, since it had already been refused the seal in Nevis.

A Joint Committee was appointed to choose a more proper piece of ground for the building of a platform for Parham harbour.

The Assembly proposed the payment of £7 a year for five years to the orphan of Matthew Thorne, killed on an expedition to Martinico.

Land of James Burrell granted to Owen McCarty.

Land of John Mollony granted to John Elliott. [*Board of Trade.* Leeward Islands, 64. *pp.* 321-323.]

Sept. 21. **813.** Minutes of Council of New York. Order for the Mayor of Albany to furnish the garrison there with firewood for £75 a year. The back part of the Custom-house leased to Michael Hawdon.

Order to endenize Peter Basset, Chirurgion, on the Governor's recommendation.

Capt. Lancaster Syms, having bought a negro boy off Capt. Wm. Kidd and sold him for £15, on Nassau Island, offered to refund the money. Elizabeth Worsherd allowed to bring her chest ashore to be viewed by the Custom house officers.

Sept. 22. Proclamation ordered forbidding the cutting, barking or girdling of any pine trees of above six foot round in Albany County. [*Board of Trade.* New York, 72. *pp.* 283, 284.]

Sept. 22. St. John's. **814**. Captain Lilburne to Mr. Thurston. I received yours. It gives an account of masons and workmen coming to build houses and face the works. It is very much wanting. If they do not come the first of the year it will not avail anything. I have received the cloathes, which I like very well, and desire an accompt. Swords and belts is a thing I very much want, and cartouch boxes and bedding for the men, they being all burnt when the houses were. The money is also received for the next year. The recruits I took three of them, having no occasion but to change three, which I did not like. It is very hard I have no chyrurgeon allowed for the garrison. I have but as much medicines as will serve till the ship comes next year. I am all the chyrurgeon they have. I hope they will not be against sending me a small chest of medicines. When the barracks was burnt the kettles the company had was burnt and all the platters and cans, so having no necessaries allowed for it, must desire you to see if any can be sent them. I have advanced £30 to buy bedding to keep the company warm this winter. I hope this will be considered by the office, being a great loss to the poor men. *Signed*, W. Lilburne. *Endorsed*, Recd. Read Nov. 13, 1699. 1 *p.* *Seal.* [*Board of Trade.* Newfoundland, 3. *No.* 151; *and* 25. *pp.* 333, 334.]

Sept. 22. **815**. Minutes of Council of Virginia. Benjamin Tully permitted to unlade his vessel, the *Adventure*, in York River, leaving her in security till he have produced a legal register. The *Essex* prize, wanting stores, ordered to come up to the mouth of Princess Creek, lately called Archbishop Creek, in James river. [*Board of Trade.* Virginia, 53. *pp.* 330, 331.]

Sept. 23. Bermuda. **816**. Complaint of Isaac Adderley, master of the *Dolphin* sloop of Jamaica (to the owners?). Having this opportunity by the way of Bristol, I write to acquaint you of the receipt of your letter of June 29, and also of my hard misfortune and great captivity. For since I came to this island no slave hath lived as I have done, in being wronged and abused as I am, no mortal man was ever served at the rate as I be, and all is because I will not pay the 15 p.c. that the Governor demands and no likelihood of alteration. I have endeavoured to get my deposition attested by the Public Notary, as you direct, but find no way to attain it, but send the substance of it enclosed which I can make oath of when required. The ship lies by the walls mored to the shore, for the Governor has got my sails and sheet anchors, but the sails, I believe, by this time is rotted to pieces and likewise the ship's bottom, for she is in a shameful condition with lying so long. I have kept the servant man on board to pump and look after her, but I believe the worms have eaten her out, for she leaks unreasonable, insomuch that he can hardly keep her free and I fear she will sink. I have taken all methods imaginable to get her, but cannot except I will pay the 15 per cent. Mr. Walker hath petitioned for a Court either to clear or condemn her, and cannot have it granted. Had I been taken by some enemy, it could not have been worse, for my own part I could not have been used as I am. At this very time I am in close prison for nothing but their own, and thus they serve me, that I am almost aweary of my life. Sir, I hope you will take all the measures possible for satisfaction for the wrong done you and my deliverance out of this thraldom. This Island is in such a confusion as the like was never seen, for there seldom comes a vessel in but the Governor seizes her, so that the people are almost ready to leave the island with their vessels, by reason of the oppression used to them. For the Governor has appointed one Gilbert Nelson Chief Judge, and one Roger Crane Sherif, and thus they three rule together after such a manner that here is scarce any living. I have had no letter from Jamaica since you went from thence, neither have I had any opportunity to send, but I hope I shall suddenly have an opportunity. *Signed*, Isaac Adderley. *Endorsed*, R. Oct. 30. *Enclosed*,

816. i. Deposition. The *Dolphin* sailed from Port Royal in Jamaica for the Port of Maderas with £1,200 Jamaica money shipped by the owners, Col. Charles Sadler, Jacob Mears, and John Sadler, and, making for Bermuda to mend a leak, ran ashore in a storm but got off in 6 minutes without damage, rode safely at anchor and signalled for a pilot to take her into harbour. The Governor however maintained that she had fallen on the rocks and claimed as Vice-Admiral 15 p.c. of the money on board and the sheet anchor and cable. The Master offered to pay the pilotage and port charges and refused the rest. The Governor took the ship's sails ashore, confined her to the harbour and the Master in prison. *Signed*, Isaac Adderley. 2½ *pp.*

816. ii. Confirmation of the above deposition by a fellow-prisoner. *Signed*, F. Randolph. [*America and West Indies.* Bermuda, 477. *Nos.* 59, 59 i.-ii.; *and Board of Trade.* Bermuda, 3. *Nos.* 49, 49 i.-ii.]

Sept. 25. Portsmouth. **817.** William Partridge and Benjamin Jackson to the Council of Trade and Plantations. Report of their survey of New England with a view to the production of Naval Stores. They complain of Mr. Bridger acting without them, and undertake to supply the timber he is sending home, much cheaper, at 50*s.* per load; propose that Maine, laid waste by the French and Indians, should be garrisoned with 1,000 soldiers and peopled with poor families sent over from England, who would quickly produce sufficient quantities of rozin, pitch, tar and hemp. Nine rivers of Maine described. *Signed*, Wm. Partridge, Benjamin Jackson. *Endorsed*, Recd. Dec. 4, Read Feb. 7, $\frac{1699}{1700}$. 11 *large pp.* (*with abstract.*) [*Board of Trade.* New England, 9. *No.* 70: *and* 37. *pp.* 194-228.]

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Sept. 26. Whitehall. **818.** Order of Lords' Justices in Council. Consideration of the address of the L.G. and Council of Massachusetts Bay (see *July* 13) about appeals to H.M. upon seizures of ships etc. under the value of £300, and of the charter of Massachusetts Bay, referred to the Lord Chief Justice Holt, to be attended therein by H.M. Attorney and Sollicitor General. *Signed*, John Povey. *Endorsed*, Recd. Oct. 2. Read Oct. 3, 1699. ¾ *p.* [*Board of Trade.* New England, 9. *No.* 71; *and* 37. *p.* 188.]

Sept. 26. Whitehall. **819.** Order of Lords Justices in Council, approving the Representation of Sept. 12 and ordering the Council of Trade and Plantations to prepare directions to be sent to all Governors of Plantations accordingly. *Signed*, John Povey. *Endorsed*, Recd. Sept. 29. Read Oct. 2, 1699. ½ *p.* [*Board of Trade.* Plantations General, 5. *No.* 22; *and* 35. *pp.* 74, 75.]

Sept. 26. Whitehall. **820.** Journal of Council of Trade and Plantations. Letter from Mr. Blathwayt relating to the disbanding the soldiers at Jamaica read.

Letter from Sir William Beeston, Jamaica, June 24 and 29, read. Answer prepared.

Several packets received from Lord Bellomont, Sept. 20, laid before the Board. His letter of July 26th read.

Sept. 27. Letter from Mr. John Smith, one of the proposers for the discovery of silver mines in Carolina, read. He and Mr. Cutler, attending without, were informed that their Lordships do not meddle in what Capt. Moor desires of them and what Smith and Cutler think fit to do upon his request.

Letter to Capt. Norton signed.

Lord Bellomont's letter, July 26, considered. [*Board of Trade.* Journal, 12. *pp.* 184-192; *and* 96. *Nos.* 150, 151.]

Sept. 26. Council Chamber, Whitehall. **821.** Order of Lords Justices in Council that the Solicitor General for Barbados enter a *noli prosequi* to the proceedings begun against Richard Bate. *Signed*, John Povey. *Endorsed*, Recd. Oct. 2. Read Oct. 3, 1699. [*Board of Trade.* Barbados, 8. *No.* 17; *and* 44 A. *p.* 336; *and* 65. *p.* 481.]

Sept. 26. **822.** Minutes of Council of Barbados. The Hon. Tobias Frere, designing to go down to Sta. Lucia, St. Vincent's and Dominico to cut and bring up windmill and cart timber for the benefit of this island was empowered to wear the King's Jack and Pendant on his vessel in all places except in sight of His Majesty's forts. [*Board of Trade.* Barbadoes, 65. *pp.* 438, 439, 442.]

Sept. 26. Council Chamber, Whitehall. **823.** Order of Lords Justices in Council, that some other impartial and disinterested person be appointed to be judge for determining the controversy between the executors of Sir Peter Colleton and Col. James Colleton, etc. *Signed*, John Povey. *Endorsed*, Recd. Oct. 2. Read Oct. 3, 1699. [*Board of Trade.* Barbados, 8. *No.* 18; *and* 44 A. *pp.* 337, 338.]

Sept. 26. **824.** Journal of Assembly of Barbados. A new Bill of Excise was read the first time. Lt. Col. Richard Dounes elected Treasurer of the Island and allowed 2 per cent. commission. Act for laying

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an imposition on strong liquors imported this island, passed. Major George Peers re-appointed Store-keeper of the Magazine. An Act to empower the executors of Col. Salter to sue for outstanding debts ordered to be prepared. A present of £2,000 voted to His Excellency. [*Board of Trade.* Barbados, 65. *pp.* 423, 424.]

Sept. 27. **825**. John Smith to William Popple. Proposing, for the approval of the Board, a silver refiner to be sent to the mines in Carolina. *Signed,* John Smith. *Endorsed,* Recd. Read Sept. 27, 1699. 1 *p.* [*Board of Trade.* Proprieties, 4. *No.* 18.]

Sept. 27. Whitehall. **826**. Council of Trade and Plantations to Captain Norton. We have received your reply of May 3. His Majesty has given an instruction to Col. Codrington with regard to the French demands and his report will be expected. We have transmitted the address from yourself, the Council and Assembly of St. Christopher's and the memorandum about stores to one of His Majesty's principal Secretaries of State, to whom, and not to us, all things that you think fit to address to His Majesty should be sent. *Signed,* Ph. Meadows, Jon. Pollexfen, Jon. Locke, Abr. Hill. [*Board of Trade.* Leeward Islands, 45. *pp.* 409-411.]

Sept. 27. Padstow. **827**. Sidney Bligh to Mr. Secretary Vernon. There being a great many letters brought me taken out of the water, which came out of the *Weymouth* galley, and among them finding the enclosed (*probably Joseph Blake's letter of June* 10), I thought fit to send it away by first post. I have dried it as well as I can. The ship was lost with all her men Saturday night last. She came from Carolina. *Signed,* Sidney Bligh. *Endorsed,* Recd. Sep. 27, Read Oct. 2, 1699. [*America and West Indies.* South Carolina, 620. *No.* 3.]

Sept. 27. **828**. Minutes of Council of New York. Quarterly salaries paid. Capt. Robert Sincklair, Capt. John Smart and Isaac Brasher ordered to appraise Cornelius Quick's sloop the *William,* and deliver it to him upon security.

Sept. 29. The L.G. and Council nominated David Provoost to be Mayor, Charles Oliver to be High Sherif of the City and County of New York for the year ensuing, and for the City and County of Albany, Peter van Brugan, Mayor, and John Williams, High Sheriff, and as High Sheriffs for King's County, John Elbertsen; Queen's County, Peter Berian; Suffolk, John Wick; Richmond, Jacob Coulson; Westchester, Edmund Ward; Orange, John Peterson; Ulster and Duchess County, Stephen Gassaree.

John Coe and the rest of the Justices of the Peace and the Clerk for Queen's County summoned to appear before the Board. [*Board of Trade.* New York, 72. *pp.* 284-286.]

Sept. 28. Charles Town. **829**. Minutes of Council of Nevis. Lt. Col. John Ward, who had on several occasions affronted the President and Council, was bound to his good behaviour. [*Board of Trade.* Leeward Islands, 64. *p.* 509.]

Sept. 29. **830**. Earl of Ranelagh to the Council of Trade and Plantations. In answer to yours of Ap. 18, I return a state of the claims made by the officers and soldiers who came from Newfoundland—£2,262 6*s.* 8*d.* If His Majesty is pleased to comply therewith I humbly conceive it must be by a warrant payable out of the contingencies, the establishment of the regiment having ceased at disbanding, from which time this account commences. *Signed*, Ranelagh. *Endorsed*, Recd. Read Oct. 3, 1699. 2 *pp.* [*Board of Trade.* Newfoundland, 3. *No.* 152; *and* 25. *pp.* 317, 318.]

Sept. 30. Province of New Hampshire. **831.** Samuel Allen, Proprietor of N. Hampshire to the Council of Trade and Plantations. During my continuance in the Government of this province, till Lord Bellomont arrived, I caused that respect to be paid to the L.G. Usher, as you required, and placed in again all his officers which they in a tumultuous manner forced out, for which reason and because I protected the King's Collector in seizing a foreign built ship that came in here from Jersey with some European goods without having cleared in England, they malign me and represent me to be a common enemy to the people. I hope you will vindicate me and mediate unto the King that I may have obedience given to the commands of his predecessors, and that agreeable to a judgment given against them here and on their appeal confirmed by the King and Council Nov. 19, 1680, it was appointed by King Charles that they should pay me 6*d.* in the pound annually on the value of what lands was or should be improved and deliver me up peaceably all lands not possessed and improved and record them in my name, that I may either improve or order others to do it. But they refuse obedience to the King's and your lordship's commands. *Signed*, Samuel Allen. *Endorsed*, Read Feb. 5, $\frac{1699}{1700}$. 1 *p.* [*Board of Trade.* New England, 9. *No.* 72; *and* 37. *pp.* 303-305.]

Oct. 2. **832.** Isaac Richier to Mr. Pollexfen, enclosing an account of the lands in Bermuda, belonging to the King, private persons, and commons appointed by the Company. *Signed*, I. Richier. *Endorsed*, Recd. Oct. 27. Laid before the Board, Nov. 3, 1699. *Enclosed*,

832. I. Account of the lands in Bermuda. 1¾ *pp.* [*Board of Trade.* Bermuda, 3. *Nos.* 50, 50 I.; *and* (*without covering letter*) 29. *pp.* 235-237.]

Oct. 2. Whitehall. **833.** R. Yard to W. Popple. Upon your letter of the 26th, the Lords Justices have directed the Board of Ordnance to make an estimate of the charge the stores required for St. Christopher's will amount to. Their Excellencies noticing that supplies of stores are frequently demanded by H.M. Plantations, and that the necessary care to make forts and fortifications is not taken, desire the Commissioners for Trade to report what method they conceive most proper to oblige the Plantations to furnish themselves with such stores and make provision for their own safety. *Signed*, R. Yard. *Endorsed*, Recd. Read Oct. 2, 1699. 1½ *pp.* [*Board of Trade.* Plantations General, 5. *No.* 23; *and* 35. *pp.* 72-74.]

Oct. 2. **834.** Minutes of Council of Massachusetts Bay. On the petition of Capt. Gullock for the effects of the *Adventure*, an account was ordered from the persons with whom they are lodged.

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£10 paid to Benjamin Bevins who piloted Kidd's ship from Rhode Island to Boston.

Oct. 3. Accounts of some soldiers at Dunstable approved and paid.

Accounts presented of the *Adventure's* goods etc. referred to a Committee. [*Board of Trade.* New England, 49. *pp.* 244-247.]

Oct. 2. Whitehall. **835.** Journal of Council of Trade and Plantations. Letter from Mr. Yard about stores and forts for the Plantations read and answered.

Order of Council, Sep. 26, read. Directions given for writing to Mr. Attorney and Solicitor General and Sir Charles Hedges to desire from each of them the form of an order in which pirates may be sent for hither.

Oct. 3. The above letters were approved.

Letter from the Earl of Ranelagh, Sep. 24, read.

Orders of Council, Sep. 26, about New England Appeals, case of Sir Peter Colleton's executors and Mr. Richard Bate's petition read.

Letters from Sir Charles Hedges and Mr. Attorney General about Appeals read.

Letter from Samuel Cranstone, Governor of Rhode Island, July 21, read. Consideration deferred till Lord Bellomont's report be received.

Lord Bellomont's letter of July 26 considered, and several of Sir
Oct. 4. William Beeston's letters to which no answer has yet been made. [*Board of Trade.* Journal, 12. *pp.* 192-196; *and* 96. *Nos.* 152-154.]

Oct. 3. **836.** Attorney General to Council of Trade and Plantations. I have considered the Acts past in the General Assembly of Maryland, 1692, 1694, 1695, 1697 and 1698. Some are expired, some repealed (*enumerated*); as to the rest I find nothing therein contained contrary to law or prejudical to H.M. prerogative. *Signed,* Tho. Trevor. *Endorsed.* Recd. Oct. 6. Laid before the Board Dec. 14, 1699. 8 *pp.* [*Board of Trade.* Maryland, 3. *No.* 75; *and* 9. *pp.* 443-467.]

Oct. 3. **837.** William Popple to the Attorney and Solicitor General. There being several persons in the Plantations committed for piracy, and remaining in custody there, and it being thought necessary that they together with the evidences be sent hither, in order to their being tried and punished here according to Law, the Lords Commissioners for Trade and Plantations desire you to send a draught of a warrant or order in due form of law, whereby they may be accordingly sent for.

837. I. Memorandum of a like letter written to Sir Charles Hedges. [*Board of Trade.* Plantations General, 35. *pp.* 75, 76.]

Oct. 3. **838.** Journal of Assembly of Barbados. Thomas Maxwell re-elected Speaker. Bill for presenting the Governor with £2,000, read. Salaries of the Clerk and Marshall passed. The Assembly waited on the Council with these and other bills. The Governor recommended the formation of a Committee of both Houses to consider the proposals of Magnus Popple for erecting a bridge and forming a harbour. Committee formed. Resolved that the old

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arms in the Magazine be delivered to the respective Colonels for the use of the country. A Bill to empower the respective Captains of the Militia to draw their Companies together for exercise at convenient places every Saturday for such time as shall be thought fit, ordered to be prepared. [*Board of Trade.* Barbados, 65. *pp.* 424-426.]

Oct. 3. **839.** Minutes of Council of Barbados. Col. William Wheeler sworn a Member of Council in place of the Hon. Francis Bond, Esq., deceased. Report upon the petition of William Adams concerning the division of the estate of the late Thomas Walrond read. Adams ordered to present an account to a Committee. The Assembly presented an Act for the payment of £2,000 to His Excellency, which was read three times and passed, and an Act for laying an imposition upon wines, etc., which was read once. His Excellency announced to them the repeal of the Act for declaring and ascertaining the rights and powers of the General Assembly. (*And see preceding abstract.*) He recommended a Bill of four pounds odd money expended by Capt. Michael Staples on account of some sailors sent in search of pirates, and recommended that all the old arms and a quantity of powder be delivered to the several Colonels to supply such persons as cannot furnish themselves. The Colonels to be accountable for the same. Upon the addresses of the Assembly, John Holder was granted an allowance for a sick servant that was put upon him and died. Lt. Col. George Peers, Keeper of the Magazine, William Rawlin, Clerk of the Assembly and William Woodhouse, Marshall of the Assembly, were ordered to be paid arrears of salary.

Oct. 4. Minutes of Council of Barbados. The Excise Bill read second time. The third reading was deferred on the petition of Thomas Sadleir that he be first heard or be secured what is due to him as Treasurer by a clause in the Bill. Abraham Baruch and Isaac Francis, Wardens of the Hebrew Nation, ordered to pay a levy of 24,000lbs. of Muscovado sugar, from which they petitioned to be relieved, to the Church Wardens for the use of St. Michael's parish. [*Board of Trade.* Barbados, 65. *pp.* 439-441.]

Oct. 4. New Providence. **840.** Read Elding to James Vernon. Yours dated Jan. 2 reached me via Carolina. As directed I immediately forbad the holding any correspondence with the Scots while they are on their enterprise. I enclose a copy of my proclamation. I have not been in the government as deputy longer than from April 14, at which time Governor Webb left the government and designed for England. I have taken all possible care to see all His Majesty's laws put in execution. The West Indies are full of pirates. I have been so severe to those sort of people that about a fortnight now past I had a notorious pirate tried here, condemned and hanged. I am informed that there are several pirates at St. Thomas and Danish port to windward, and so scattered amongst some of the Maroon Islands, which they expected that some encouragement might be given them, as formerly used to be among these territories. But, to the contrary, I shall and do my utmost to suppress them, wishing that I could but trepan one of their ships, in order to bring them to public justice. *Signed*, Read Elding, *addressed on back* to James Vernon, per Captain James Roissie. 1 *p*. *Enclosed*,

Sept. 12. New Providence. 840. I. Proclamation by the Dep. Governor of New Providence forbidding any correspondence with the Scotch expedition; "no person whatsoever [to] presume either to send or carry them any provisions, arms, ammunition, or other necessaries whatsoever." Sept. 12, 1699. *Copy*. *Signed*, Read Elding, Deputy Governor. [*America and West Indies*. Bahamas, 452; *Nos*. 56, 56 I.; *and* (*duplicate of letter*), *No*. 69.]

Oct. 4. Port of Annapolis. **841**. Minutes of Council of Maryland. On the question of how many Rangers would be sufficient to be kept out for the security of the frontier during the winter season, Col. Ninian Beale gave an account of 200 Seneca Indians lately passed over Susquehannah, and advised that as the Indians are such sudden and uncertain enemies the same number be kept out as at present, viz., two officers with eight men, and that care be taken that they be paid the arrears due to them. The corporal punishment and fine imposed upon John Coode by the Justices of the Provincial Court remitted by the Governor upon their representation in consideration of the good services done by him on the Revolution. Unanimously approved by Council, who recommended Coode to pardon if he behaves well. Col. Henry Ridgley being very antient and desirous to lay down his command of the County of Ann Arundel, Major John Hammond appointed to succeed him.

Mr. Vernon's letter, requiring the pirate Turner now in custody to be sent to England, read. An instrument under Turner's hand, obliging himself to become an approver against the rest of his fellow pirates, read. Mr. Vernon's letter about illegal trade, read. The Board replied that all diligent care is taken within this Government. Letter about the Scotch at Darien read and Proclamation ordered accordingly. The Oaths and Test and Association were administered to the Governor. The examination of some discourse by Capt. Richard Hill, wherein he had expressed himself disaffected to H.M. Government here, referred to a full Council. Upon Joseph Tilly's petition, it was recommended to the Court of Chancery that he be admitted to prosecute *in forma pauperis* against the administrators of George Parker. [*Board of Trade*. Maryland, 13. *pp*. 679-682.]

Oct. 5. **842**. Copy of Col. Romar's Journal of his expedition to Onnondage, with Peter Van Brugh, mayor, Alderman Hendrick Hansen, and Lawrence Claesen, interpreter. 3¼ *pp*. [*America and West Indies*. Canada, 485. *No*. 2.]

Oct. 5. Whitehall. **843**. Journal of Council of Trade and Plantations. Answer to Sir William Beeston's letters considered. Agents for Barbados and Leeward Islands ordered to be consulted about the Act of Parliament for settling the Royal African Company.

Three letters from Capt. Webb, Dec. 19, Feb. 7, Feb. 18, read. Copies ordered to be sent to Sir W. Beeston.

Mr. Overton, attending without, was informed that Lord Bellomont's report upon Mr. Levingston's case, New York, which he

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had brought to the Board, should have been put in the hands of a Secretary of State.

Oct. 6. Answer to Sir W. Beeston considered. Consideration of the petition of Leonard Compere deferred. [*Board of Trade.* Journal, 12. *pp.* 196-199; *and* 96. *Nos.* 155, 156.]

Oct. 5. Whitehall. **844.** Council of Trade and Plantations to the Agents for Barbados, desiring information as to what convenience or inconvenience they conceive may accrue to His Majesty's subjects in the island of Barbados by the last clause but one in the late Act of Parliament, *To settle the trade to Africa.* [*Board of Trade.* Barbados, 44 A. *p.* 338.]

Oct. 5. **845.** Council of Trade and Plantations to Richard Cary, Agent for Nevis and Antigoa, enclosing a Clause in the Act for settling the Trade to Africa. *Memorandum.* [*Board of Trade.* Leeward Islands, 45. *p.* 411.]

Oct. 8. **846.** Extract of a letter from Porto Bello. The French Court neglects no occasion to establish the trade in America with the Spaniards, as being of great profit, which reason doth oblige the Jamaica merchants to conserve themselves to preserve that trade which decays every day. *Copy.* ½ *p.* *Endorsed,* Recd. Read Jan. 25, $\frac{1699}{1700}$. [*Board of Trade.* Jamaica, 9. *No.* 8.]

Oct. 9. London. **847.** Copy of above-mentioned clause [*No.* 845]. No Governor or Deputy Governor or Judge of any of His Majesty's Colonies or Plantations in America, after the nine and twentieth day of Sept. 1698, to be Factor or Factors, Agent or Agents for the said Company or any other person or persons, for the sale or disposal of any negroes, under a penalty of £500. 2 *pp.* *Added on second page.*

> 847. I. I cannot consider that any inconveniency can accrue to His Majesty's subjects in general in the Leeward Islands by this clause, but do believe it is for their interest and advantage. *Signed,* Rd. Cary. *Endorsed,* Recd. Read Oct. 10, 1699. [*Board of Trade.* Leeward Islands, 6. *Nos.* 39, 39 I.; *and* 45. *pp.* 412, 413.]

Oct. 9. **848.** Sir Charles Hedges to Mr. Popple. I do not remember that any prisoners in the Plantations or elsewhere beyond the seas have been sent for by warrant unless their names were known or informations upon oath given against them. The usual way hath been for the Secretary of State to write to the Governor of the place where they are to deliver them on board one of H.M. ships, the Lords of the Admiralty giving orders to the Capt. of any man-of-war to receive them on board and bring them over in safe custody. *Signed,* C. Hedges. *Endorsed,* Recd. Oct. 10. Read Oct. 11, 1699. ½ *p.* [*Board of Trade.* Plantations General, 5. *No.* 24; *and* 35. *pp.* 78, 79.]

Oct. 9. Whitehall. **849.** Journal of Council of Trade and Plantations. Letter of Governor Grey, July 20, read. Directions given for a letter to him.

Letter to Mr. Pulteney about stores of war ordered; and several agents sent for to consult on that subject.

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Representation upon Lord Bellomont's letter, April 17, ordered, recommending an experiment to be made by employing some of the soldiers at New York for collecting naval stores as he proposes. This representation was ordered to be suspended pending further
Oct. 10. information, on their Lordships being informed that two ships are lately arrived from Russia with pitch and tar, which had not usually been brought thence.

Letter from Mr. Cary about the African Trade, Oct. 9, read.

Letter from Col. Nicholson, Virginia, July 1, laid before the Board: directions for replies to his letters of Feb. 4 and 27 given.

Oct. 11. Letter in answer to the President and Council of Nevis, July 7, prepared.

Letter from Sir Charles Hedges, Oct. 9, read.

Col. Nicholson's letter, July 1, considered. Extract ordered to be sent to the Treasury.

Sir B. Gracedieu, Mr. G. Heathcote and Mr. Broughton attending as desired said the forts in Jamaica had been built at the country's charge, but all stores of war furnished by the Board of Ordnance. They would desire Capt. Lilly the engineer who has lately been there to bring a copy of his report upon the state of the forts. They regarded either the Governors or Judges of Plantations being factors for negroes as prejudicial to the country, but were doubtful if the Councillors were comprehended within the meaning of the clause in the African Act (*See Cal.* 1698, *No.* 1028), and, if not, they thought it no inconvenience to the Island that they should be factors. They said they had taken care in another place to prevent . . . Toplady being Provost Marshall. Messrs. Bridges, Littleton and Holder, agents for Barbados, said the forts there were in very ill condition; they would endeavour to get a copy of Capt. Edwards' report. Stores of war, besides powder brought in by the powder duty on ships, had been supplied from hence. They had an address from the Grand Inquest of the Island to be presented to H.M. after his return, wherein it is desired that the 4½ per cent., as it was first given for providing for the defence of the island, might be still applied for the same use. They would lay a memorial on the whole subject before their Lordships. As to the African Act, they gave their answer in writing, and added that Councillors seemed to be included in the sense of the Act. They think it would be prejudicial to the Island that Councillors should be factors for negroes, though perhaps in other Plantations it may be otherwise. [*Board of Trade.* Journal, 12. *pp.* 199-211; *and* 96. *Nos.* 157-159.]

Oct. 9. **850.** Minutes of Council of Massachusetts. Assembly prorogued till Dec. 6. Account of John Hornebrooke, interpreter to the Indians, approved and paid. Soldiers' accounts at Saco paid. Account of the *Nevis Merchant* employed on H.M. service paid. Bartholomew Green, printer, paid £24 for account from Nov. 9, 1698—Sept. 6, 1699. Abigail Williams licensed to be married again, her husband not having been heard of for 6 years.

Oct. 11. Wait Winthrop, Judge of the Court of Admiralty, sworn. Accounts of Bradish's goods and Capt. Gullock's exceptions to some of them referred to the Committee. A sum of Bradish's money

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Oct. 12. ordered to be sequestered towards his prison charge if not provided for by the Assembly. Bradish's money and goods less 1,000 pieces of eight, deposited with Mr. Dummer towards prison charges, etc., ordered to be restored to Capt. Gullock. Provision ordered to be made out of Kidd's effects for clothing for the prisoners to prevent their perishing of cold. Payment of £40 8*s*. to Thomas Powell, innkeeper, for keep of the Governor's coach and horses ordered. Payment of 25 shillings ordered to Lt. John Woodman for a gun lost in H.M. service. Payment ordered to two soldiers. Sarah Lynde licensed to marry again, her husband not having been heard of for five years. [*Board of Trade*. New England, 49. *pp*. 247-252.]

Oct. 10. Whitehall. **851**. William Popple to the Agents for Jamaica. The Lords Commissioners for Trade and Plantations desire to speak with you or any of you with what speed you can in order to their information in some things relating to the Forts and Fortifications of Jamaica and the usual method of supplying the island with warlike stores. [*Board of Trade*. Jamaica, 56. *p*. 368.]

Oct. 10. **852**. Council of Trade and Plantations to Richard Cary, enquiring about fortifications in the Leeward Islands and the method of supplying them with stores. *Memorandum*. [*Board of Trade*. Leeward Islands, 45. *p*. 414.]

Oct. 10. Whitehall. **853**. William Popple to John Pulteney. In a report made by the Board of Ordnance to the Rt. Hon. the Earl of Romney, May 3, 1698, there is an expression intimating that H.M. Plantations have been at the charge of providing for their own security.

The Council of Trade and Plantations desire thereupon to be informed whether any stores of war had been sent from the Ordnance Office to any of the Plantations since the year sixty until the beginning of H.M. reign, with particulars, having already before them the account of what had been sent Nov. 1, 1689—Nov. 1, 1696. [*Board of Trade*. Plantations General, 35. *pp*. 76-78.]

Oct. 11. **854**. Agents of Barbados to Council of Trade and Plantations. In answer to your enquiry of the 5th inst., as to the effect of the clause in the late Act for settling the Trade of Africa, which clause provides that no Governor, Deputy-Governor or Judge shall be a factor or agent for the sale or disposal of negroes, we are of opinion that this provision is highly convenient to the people. For when men in great authority are factors they are apt to make use of their powers to promote the advantage of their employers. As a matter of experience, when factors or agents of the African Company in Barbados have been members of the Council there, and one was Lieut. Governor—the condition of those who had dealings with them—in effect the whole island—was made much worse and gave rise to complaints, which, we believe, was one reason for the Parliament's passing the said clause. *Signed*, Edward Littleton, William Bridges, Mel. Holder. 2 *pp*. *Endorsed*, Recd. Read Oct. 11, 1699. [*Board of Trade*. Barbados, 8. *No*. 20; *and* 44 A. *pp*. 342-344.]

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Oct. 11.
Whitehall.

855. Mr. Yard to Mr. Popple. The Lords Justices direct the Council of Trade and Plantations to report upon Dr. Daniel Cox's claim to the Province of Carolana, which he desires to colonise, claiming that the grant of Charles I. to Sir Robt. Heath is vested in him. *Signed*, R. Yard. *Endorsed*, Recd. Read Oct. 12, 1699. 1¼ *p.* [*Board of Trade.* Proprieties, 4. *No.* 13; *and* 26. *p.* 122.]

Oct. 12.
Whitehall.

856. Council of Trade and Plantations to Governor Grey. Since our letters of June 26, 27, we have received yours of June 6 and 29 and July 20, together with the Naval Officer's Accounts and some Journals and Laws delivered to us by Mr. Hart. We thought the matter of the French settling upon Sta. Lucia, mentioned in your second letter, of such consequence that we laid before the Lords Justices a representation setting forth His Majesty's title to that island, antecedent to any pretence made by the French, and the great importance of maintaining His Majesty's right accordingly. The Naval Accounts have the same defect as those received formerly. They are writ upon sheets starched together into such a length and breadth that they can scarce be opened without tearing, and besides the total sums, which is the thing everyone would look upon, are neither added up, nor, as they are set down part in words, part in figures, is it possible to add them up without setting down every sum over again. Our Secretary wrote concerning this to the Naval Officer, May 19, 1698. We send a copy of that letter that you may give it to him. As to your request for two ships of war we refer you to our letter of June 26. Your care in sending out the ship you have to cruise is very well, and the advice you give us of such intelligence as you receive is a thing necessary to be continued. But as for Kidd, whose name you mention, we have now a full account of his having been seized by the Earl of Bellomont in New England, and having also received advice from the Leeward Islands of his having been in their neighbourhood, with an information given by one Peter Smith, a Dutchman of St. Thomas, about some of his proceedings, in which mention is made of one William Burk, an Irishman (though the same person, it seems to us, in papers received from the Earl of Bellomont is called Burt) who sailed from St. Thomas to Barbados with some considerable quantity of goods bought of said Kidd, or received from him, we send you here enclosed a copy of the said information, that you may cause strict enquiry to be made after the said Burke or Burt and the goods brought to Barbados by him and such prosecution thereupon made as the law directs.

There having been lately two private cases about estates in Barbados referred to our consideration—Colleton's and Bate's—we have recommended them, and the Lords Justices have made orders accordingly. We enclose copies. We desire you to send us the form of writs used in the calling of your General Assemblies. We desire your care in causing the enclosed letters for Bermuda to be sent by the first convenient opportunity. *Signed*, Lexington, Ph. Meadows, John Pollexfen, John Locke, Abr. Hill. [*Board of Trade.* Barbados, 44 A. *pp.* 344-349.]

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Oct. 12.
Whitehall.

857. Council of Trade and Plantations to Governor Sir William Beeston. Since ours of June 26 we have received yours of Ap. 14 and June 24 and 29, but we had also before that several other of your letters, the receipt whereof we have not mentioned. None have miscarried. We have nothing at present to add about Patent Places. The consideration of the Acts of the Island cannot be dispatched so soon as they come to our hands, because it is requisite to have the opinion of H.M. Attorney or Solicitor General upon them in point of law, and that is sooner or later done according to the care of the Agents in attending them. And when we have reported our opinion, it is likewise the business of the Agents to take out such orders of Council as His Majesty is pleased to make thereupon. We long since reported upon those of 1694, 1695, 1696; those of 1698 are now before us; but those of 1699 are not yet returned to us from the Attorney General. We can answer nothing to what you write about them till we come to consider them. It is a defect in your transcripts of the Acts that there is nothing either in the title or subscription which marks either the time of the Assembly sitting or when they were passed. We also desire you to transmit more than just the two copies of your Acts directed by your Instructions, as it happens sometimes that we are left without a copy. Part of one Act (appropriating the additional duty to the Revenue etc.) was torn, and a duplicate was ordered to be sent (Jan. 5) by order of Council of which we enclose you a copy. We have not been unmindful of what relates to the French settlement upon the Isle de Vache, which you mention in your letter of July, 1698. The substance of your letters of Oct. 13, Dec. 5 and Jan. 20 relating to H.M. ships of war and to the conduct of the French and Spaniards towards us in those parts has also been represented. But the remedy of such evils as require application to other Courts being a work of time, concerning which we can give no directions but as we receive them, we can only desire you to continue giving us information of all such occurrences, that they may be made use of for H.M. service as occasion offers. We are very sensible of what you write about the want of people in that island and the necessity of great care that servants may be sent over thither, but that being a matter in which we have, upon many occasions, done what was proper for us, we must leave the rest to Agents or others concerned in private interest to look after it. And in like manner what you write about the want of an able Physician is a thing that they ought to take care of. We answer nothing about the soldiers because we are informed that orders have long since been given you for the disbanding of them. In your letter of July 28, 1698, you write that by the going off of four Councillors H.M. Council at Jamaica was grown thin and desire that Mr. Charles Sadler may be made of H.M. Council as the only person you could then recommend. This is not regular. For by your Instructions you ought to have sent a list of twelve persons, whom you judge most fit among the inhabitants, with their characters, by which it may be easy to distinguish their different merits and give the preference to whom it belongs. For want hereof we have not proposed any supply of the vacancies in that Council. But nevertheless we have made some enquiry after the fitness of persons and having got such information as we could here, we send you here enclosed a list of some names that have been proposed and desire your opinion of these and the characters of others to make up the complete list of twelve. In answer to what you write, Dec. 5, about the brigantine, whereof one John Edwards was master, sailing from Jamaica, which had been taken by a vessel fitted out from Providence in the Bahama Islands, with the Governor, Capt. Webb's, commission, we enclose copies of Capt. Webb's letters of Dec. 19, Feb. 7 and 18 on the subject. He is now returning to England, so that if what he advises to have been done be not satisfactory you may take such further care in the matter as you conceive necessary and proper. What you write (Feb. 8), about the Spaniards harbouring and refusing to restore your runaway negroes, seems to us a matter of great importance and, having something of the like complaint before us from other places, we should be glad to contribute our endeavours to prevent any such inconvenience for the future, and therefore desire you to inform us what has formerly been the practice in those parts on both sides in the like cases, and to add such things as you think may be fitly proposed for a mutual regulation between the Crowns of England and Spain. As to the difficulty mentioned in your letter (July 28th, 1698) relating to the Acts of Trade we refer you to the Instructions sent you upon that subject. Your care about building of store-houses was very well, and we are glad to observe what progress you have made therein and in rebuilding and enlarging Fort Charles. What you write in your letter of Dec. 5 about an inconvenience arising to Jamaica from the clause in the Act for settling the trade to Africa, providing that no Governor, Deputy Governor or Judge shall be a factor or agent for the sale or disposal of negroes is a thing which cannot be remedied but by some other Act of Parliament, and as some other Plantations do think it no inconvenience, but rather an advantage to them, that causes a difficulty which we do not well see through. But having the matter now under consideration we shall write you further about it in due time. *Signed*, Lexington, Phil. Meadows, John Pollexfen, John Locke, Abr. Hill. [*Board of Trade*. Jamaica, 56. *pp*. 369-380.]

Oct. 12. **858**. Sir Thomas Trevor and Sir John Hawles to the Council of Trade and Plantations. Pursuant to your directions of the 3rd inst., we have prepared a draught of a warrant for bringing hither the persons committed for piracy in H.M. Plantations in order to their trial. *Signed*, Tho. Trevor. Jo. Hawles. ½ *p*.

859. Draft of warrant referred to above. *Endorsed*, Recd. Read Oct, 16, 1699. ¾ *p*. [*Board of Trade*. Plantations General, 5. *Nos*. 25, 26; *and* 35. *pp*. 79-81.]

Oct. 12. Whitehall **860**. Council of Trade and Plantations to the President and Council of Nevis. We have received yours of July 7. As to the information you send therein given by Peter Smith concerning Henry Bolton's dealings with Captain Kidd, the latter has been seized by the Earl of Bellomont in New England and many informations there taken concerning him. We understand from his Lordship Bolton was a merchant of Antego (which we wonder

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you should not observe to us upon Smith's information), and that his Lordship had thereupon writ to the L.G. of Antego to look after him and seize any effects that may be found to have been lately in the possession of Kidd. This being a thing of great importance, that not only pirates but all their abettors and favourers should receive all possible discouragement in all His Majesty's Plantations, and His Majesty having several times given directions about it, concerning which we also writ to you, we cannot but again remind you thereof, that strict enquiry may be made after the said Bolton and the goods brought by him into any of His Majesty's Leeward Islands, and such prosecution thereupon made, either as for illegal trade, piracy, or any other crime as the law directs. The want of ammunition and stores of war for the island of St. Christopher's, which you mention having been laid before the Lords Justices by address from the L.G. and Assembly of that island, is now under consideration of the Board of Ordnance. In answer to what you writ about the Governor of St. Thomas's setting up the Danish flag in Crab Island we can add nothing to the instruction which His Majesty thought fit to give Col. Codrington, deceased, Dec. 5, 1694, of which we send you a copy. We desire you to send us the form of writs used in the calling of your General Assemblies. *Signed*, Lexington, Ph. Meadows, Jno. Pollexfen, John Locke, Abr. Hill. [*Board of Trade*. Leeward Islands, 45. *pp*. 414-417.]

Oct. 12. Whitehall. **861**. Journal of Council of Trade and Plantations. Mr. Secretary Vernon communicated to the Board Sir Wm. Beeston's letter to himself, Jamaica, June 23, and Mr. Randolph's letter, Bermuda, May 17, and two letters from Isaac Adderly, master of the *Dolphin*, all concerning the seizure of that sloop.

Resolved, to hear Mr. Mears, one of the owners, before considering the letters.

Mr. Cary said that in K. Charles II's reign all stores of war had been sent from the Ordnance Office to the Leeward Islands, and the Islands had not bought any.

Letter from Mr. Yard, Oct. 11, read.

Copy of the clause in the Governor of Virginia's Instructions about appeals granted to Mr. Chilton.

Letters to Sir W. Beeston, Governor Grey and the President and Council of Nevis signed. Duplicates of the late letters to Bermuda ordered to be enclosed to Mr. Grey.

Oct. 13. Letter from Col. Codrington about the fortifications in the Leeward Islands read.

Ordered that Dr. Cox lay his title to the Province of Carolana before the Board.

Col. Nicholson's letter, July 1, further considered. [*Board of Trade*. Journal, 12. *pp*. 212-214; *and* 96. *Nos*. 160, 161.]

Oct. 13. **862**. Memorandum of Gov. Codrington's Instructions about Trade. [*Board of Trade*. Leeward Islands, 45. *p*. 490.]

Oct. 13. **863**. Governor Codrington to Mr. Popple. I send your Lordships herewith my Commission; my instructions are not yet delivered me, and I'm told will be returned to the Board before they are perfected. Mr. Cary has been with me and informed me of their Lordships' demands and his answer. Since he made use of my name I shall lay hold of this occasion to offer to their Lordships' consideration, what I had before designed by a particular memorial. I cannot believe their Lordships would have depended on any account he could have given them himself or have picked up from others. The observations of men who never designed to inform themselves exactly, and who, if they had, want the qualitys necessary for such an inquiry, must be certainly too lose and general to answer their Lordships' intentions. If their Lordships shall think fit to direct me in this, I shall give them a very just and very particular answer as to the number of our forts, their situation, and the artillery they are provided with, and I believe I may without vanity pretend to understand this busnes better than anyone either on the Exchange or in the Islands, but as I shall neither have leisure nor patience for drawing, and besides am not very good at it, I would humbly propose to their Lordships that a good engineer should be sent with me that might be able to give their Lordships accurate draughts not only of our forts but of the harbours, points of land, landing-places etc. where 'twould be necessary to have other fortifications. The French have lately sent one of their chief engineers to their Colonies, I suppose for this very end. When I was last in the Indys, which was in the expedition against Martinique, I viewed, I believe, all the Forts in our islands, except Montserrat, and can only tell their Lordships in general, that they are but poor little platforms and ill provided with artillery. The best we have is on the English part of St. Kit's. There is at Nevis a very good Deodard ('tis the term used for it in the island), or retreat in the mountains for their women, children, old men and negroes, and they have been at a vast charge in Antegoa to make one there, but have left the same unfinisht, both by reason of the great charge which woud yet continue for some time, and because, as some have told me, the cisterns they made there after a great expence had proved leaky and, as they apprehend, I know not well for what reason, woud still do soe in spight of all remedys. After all I am not well satisfied whether those Deodards are more useful or pernicious, for though they are intended a retreat for such as cannot fight, they woud probably tempt such to run thither who are able and who ought to fight. *Signed*, Chr. Codrington. *Endorsed*, Recd. Read Oct. 13, 1699. 3 *pp.* [*Board of Trade.* Leeward Islands, 6. *No.* 40; *and* 45. *pp.* 417-420.]

Oct. 14. **864.** Minutes of Council and Assembly of Nevis. A pipe of Madera wine, an ox and fresh provisions, to the value of £60 in all, ordered to be presented to Rear Admiral Benbow now in this road. [*Board of Trade.* Leeward Islands, 64. *pp.* 509, 510.]

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London
865. Micajah Perry to William Popple. I will pay for the seals desired by Governor Nicholson (July 1) and entreat they may be hastened. *Signed*, Micajah Perry. ¼ *p.* *Endorsed*, Read Oct. 16, 1699. [*Board of Trade.* Virginia, 7. *No.* 3.]

1699.

Oct. 16. **866.** Extract of a Journal of the Scotch voyage to Darien. Oct. 1, 1698. That night we got a sight of Crab Island and next day, Oct. 2, we came into it and sent some of our people ashore and took possession of it in the Company's name. Oct. 4 we stood to the Leeward, hearing there was a harbour there, when we saw the Danes' colours flying on the shore, for the Governor of St. Thomas had sent 14 men and a Captain to take possession of it in the King of Denmark's name. Our Counsellors sent to know his business there and he told them that, but we found we had taken possession of the place before they came from St. Thomas. They gave in their protest, yet seemed to be glad enough of our neighbourhood. We had, notwithstanding, our flag upon the shore all the time we stayed, with a 100 men and Capt. McLean, Governor; they stayed till we were gone, but would certainly march next day, otherwise the Spaniards of Porto Rico would not miss to take them off. Oct. 6. Capt. Pinkerton and the snow came in from St. Thomas, with old Capt. Alison along with them for a pilot. On the 8th we left that place and on the 17th made Nostra Signiora della Ropa. We lay after that bubbening along the coast, until the 3rd day of November, generally losing by night what we had gained all day. Crab Island is about six leagues long and in some places 5 broad. The soil is very good, parts all full of trees, all the south side full of bays, very fit for anchoring in, but the best of all is to the Leeward, where the Dane had hoisted his colours. It would have been worth our while to possess it, had we not been a-coming to a better country. It has this inconvenience that nothing but strength of men, or peace with everybody can render it secure. It is called Crab Island from the multitude of land crabs there. *Endorsed.* Delivered to the Board by Mr. Hill. Recd. Read Oct. 16, 1699. [*Board of Trade.* Leeward Islands, 6. *No.* 41; *and* 46. *pp.* 1-3.]

Oct. 16. Whitehall. **867.** Journal of Council of Trade and Plantations. Mr. Hill delivered to the Board an extract out of a journal of the Scotch voyage to Darien, relating to Crab Island.

The Address of the Assembly of New York to the King mentioned in Lord Bellomont's letter, April 27, and the muster-rolls of the four companies of soldiers referred to in his letter May 15, ordered to be delivered to Mr. Weaver.

Letter from Mr. Attorney and Solicitor General, Oct. 12, read.

Col. Nicholson's letter, July 1, again considered.

Oct. 17. Mr. Edward Haistwell and Mr. John Field desiring to be heard in behalf of many Planters in Maryland against the Act of the General Assembly *for the service of Almighty God*, they were directed to give their objection in writing.

Col. Nicholson's letter further considered. The opinion of Mr.
Oct. 19. Attorney General upon the forms of oaths and commissions, etc.
therein mentioned was desired.

Oct. 20. Dr. Cox presented a copy of his title to Carolana, and promised to prepare an abstract, with an historical account of what has been done in pursuance thereof, and an account of the natural products of the country.

Col. Nicholson's letter further considered. [*Board of Trade.* Journal, 12. *pp.* 215-218; *and* 96. *Nos.* 162-165.]

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Oct. 17.

868. Mr. Haistwell and other Quakers to the Council of Trade and Plantations. These are humbly to remind you concerning an Act made in Maryland June 2, 1692, intituled an Act for the service of Almighty God etc. which hath been very injurious and discouraging to the Antient Planters and none of the least Traders there and deprived them of that quiet enjoyment of the liberty of their consciences, which with security to their properties, according to the fundamental laws of that Province, upon the encouragement of which they and their fathers settled there. The Law has been strictly executed upon them by chargeable levies ever since, notwithstanding it was disallowed Jan. 4, 1695, by the King and Council here, yet July 1, 1696, they made another law of the same title and mostly of the same tenure, which it is hoped will be disallowed. *Signed*, John Feild, Edward Haistwell, Theodore Eccleston. *Endorsed*, Recd. Read Nov. 10, 1699. *Annexed*,

868. i. Further exceptions. The Title of the Act does not give a true account of its nature. Though called an Act for the service of Almighty God and the establishment of the Protestant Religion, yet these words in the body of the Act are applied only to one sort of Protestants.

The words of the first enacting clause imply the imposing of the reading of the Book of Common Prayer in all places of public worship.

The whole Act tends to infringe the Liberty of Conscience conceded by the Act of Settlement to the antient inhabitants of diversities of persuasions.

The second enacting clause takes too great power to the Government and is too general to be allowed.

The fourth enacting clause constitutes the Vestry a body-corporate, the fifth enacts that every minister shall be a principal vestryman.

The seventh requires the inhabitants to register the baptisms as well as births or burials, which may be greatly prejudicial to divers Protestants who scruple that ceremony.

The ninth and eleventh clauses give power to the Ministers to tender oaths, which is a greater power than is granted them by law here.

The new tax is very hard and injurious, to be liable to pay £10, £20 or £25 per annum, if merchants or planters have 100 servants, to maintain a persuasion, which perhaps neither they nor their servants are satisfied with. The produce of Maryland, when it arrives here, is charged in the customs 4 or 6 times its first value, and to add this new burthensome tax upon the inhabitants greatly tends to discourage and dispeople this industrious and profitable Colony, and therefore 'tis hoped, this Act being so agreeable to that of the same nature which was disallowed Jan. 4, 1695, will meet with the same repeal. (*Signed as preceding.*) [*Board of Trade.* Maryland, 8. *Nos.* 76, 76-i. ; *and* 9. *pp.* 409-413.]

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Oct. 17.

869. Minutes of Council of Barbados. The Hon. Patrick Mein sworn a Member of Council. A letter from the Lords Justices (July 25) read and a copy of it ordered to be given to William Sharpe. The additional instructions of May 31 relating to soldiers in pay read and delivered to the Assembly. Petition of William Heysham, merchant, for a drawback on 45 pipes of wine shipped off and 43 turned sour, read and recommended to the Assembly. His Excellency recommended Judge Sadleir's petition to the Assembly, and that a Table of Marriages established by the Canons of the Church of England be hung up in all the churches and duly observed and that they should make an Act to that purpose, and also an Act that all lands seized by processes of law be sold by outcry. The Assembly presented the names of a Committee of their house to join that of the Council for the consideration of Magnus Popell's proposals. A petition of George Peers for a drawback of 21 pipes and one quarter cask of Madeira wine shipped off agreed to and recommended to the Assembly. The Assembly announced that they were preparing a Bill towards the satisfaction of Judge Sadleir. The Excise Bill was then read a third time and passed. [*Board of Trade.* Barbados, 65. *pp.* 442-444.]

Oct. 17.

870. Journal of Assembly of Barbados. Bill ordered to be drawn to secure Judge Sadleir in the payment of the list of debts presented to this house. The matter recommended from England, that lands be sold at outcry as formerly for satisfaction of debts, referred to the Committee of Correspondence, who are to write to the agents in England, representing the inconvenience that will attend the inhabitants by altering the course of proceedings as now established. Resolved, that his Excellency be requested to devise means for the speedy payment of Mr. Eyles, formerly Agent for the Island. Bill of Excise passed with an amendment of date. (*And see preceding abstract.*) [*Board of Trade.* Barbados, 65. *pp.* 453, 454.]

Oct. 17.

871. Minutes of Council of Virginia. Col. Hill having commanded Lt. William Epes to raise men and go after large numbers of strange Indians reported on the frontiers, an express was ordered to Benjamin Harrison, summoning him to James City when he returns from following the Indians. Lt. Coll. George Mason ordered to send two understanding intelligent persons up Potowmeck River to see what condition the Piscataway Indians are in. Proclamation to prorogue the Assembly ordered.

Oct. 18.

Three barrels of powder, belonging to Israel Voss, and seized in 1697 without any prosecution since, ordered to be restored, and similarly 16 barrels to John Dibbs. The Governor gave one-half of his third part of the value of the condemned ship *Integrity* of Biddeford to the College, and one-half to the owners of the ship. John Gourdon petitioning for pardon for publishing a libel, pardoned on condition of future good behaviour. The Attorney General complaining that Hugh Challice, lately sent with an express on public service, impressed one of his riding horses so that he could not attend His Majesty's service, ordered that public officers' horses be

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not impressed for the future. Major Thomas Godwin and Capt. Edmund Godwin pardoned, on condition of future good behaviour, for scandals cast by them upon the Government.

Oct. 19. Similar pardon granted to Andrew Ross. Richard Church, late sheriff of Norfolk County, prosecuted for making an illegal arrest and imprisonment at a general muster of the Militia, pardoned on petition. For the better disposal of the quit-rents, Mr. Auditor empowered to contract with any person that will pay them according to the patents, without exposing them to public sale. He having contracted for them all so, except those of Princess Anne County, these were ordered to be sold by auction in the County Court. Capt. Aldred desiring some way of victualling his ship which may not give offence as his former method had done, ordered to show what method that was and whether it had not caused him to neglect his cruizing. Survey of the loading of sugar on board the *Mary of London*, John Harwood, Master, much damaged on voyage from Jamaica to London, and the protest of the Master
Oct. 20. and officers against the extremity of the weather, sworn to.

Oct. 21. Fine of John Bertrand remitted. Accounts of various Collectors sworn to. [*Board of Trade*. Virginia, 53. *pp*. 332-339.]

Oct. 19.
London.

872. Lords Proprietors of Carolina to Governor Joseph Blake. We have received a Remonstrance from the Assembly. We should have imagined that you as Governor and a Proprietor should have hindered such a method of application, which may in time have ill effects. We are troubled to see you have not given encouragement to our judge. The people of New York have petitioned for a judge to be sent from England. Mr. Renew has had very hard usage. We have sent you his account, and desire you will make an end of it. Mr. Woolward has not had right done to him. We desire that right may be done him by taking off the stay of judgment. Be very cautious in giving your assent to Acts which hinder men from coming at their just rights. We are very glad the Attorney General has arrived, and desire you to hearken to his advice in all matters of law. We have confirmed some of your laws, and return them engrossed. Consider that a multitude of laws oppress the people. For the settlement on Ediston River we will send you directions. For the present our opinions are: (1) A Proprietor ought not to pay any quit-rents for land taken up by him or held by him as a Proprietor. (2) Where a settlement is designed no great shares of land ought to be granted to any one person, by which means the growth of the settlement may be prevented. (3) Whenever you think fit to take up land as a Proprietor, your brethren should have the same care taken of them. We have applications from several Vaudois, some versed in the manufacture of silk, for settling in Carolina, which we judge would be profitable to that province. We should be pleased if you could get an Act of Assembly for naturalizing such persons as should be recommended by the Lords Proprietors, and should settle in Carolina on or before Jan. 1701, and take the oath to the Government. *Signed*, Bathe Palatine, Craven, Bathe for Lord Carteret, Wm. Thornburgh for Sir John Colleton, Tho. Amy, Wm. Thornburgh. [*Board of Trade*. North Carolina, 4. *pp*. 77-78.]

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Oct. 19.
London.

873. Lords Proprietors to Nicholas Trott, Attorney General of South Carolina. We have received your account of your arrival at Charles Town and of your being sworn Attorney General and Naval Officer but not Advocate General. We are surprised at those transactions and wonder that our Judge and Surveyor General should accept commissions from any else, and have directed the Governor and Council to send us an account and copies of their commissions. We thank you for your prudent management in the affairs of Judge Bohun. We like your account of shipping and present state of Carolina. There is a Mr. Ellis aboard Capt. Dalton in the *Nicholas and Ann*, who will deserve your encouragement, especially because he is employed by several considerable gentlemen who intend to settle in Carolina next summer. We will give directions to the Governor that the Records in the Secretary's office be kept better, but don't think convenient to make any alteration at present. *Signed*, Bathe Palatine, Craven, Bathe for Lord Carteret, Wm. Thornburgh for Sir John Colleton, Tho. Amy, Wm. Thornburgh. [*Board of Trade.* North Carolina, 4. *p.* 79.]

Oct. 19.

874. Lords Proprietors of Carolina to Sir Nathaniel Johnson. We have received your present of silk which was very acceptable, and which we make use of to your honour and that of Carolina. (*Signed as preceding.*) [*Board of Trade.* North Carolina, 4. *p.* 79.]

Oct. 19.

875. Lords Proprietors to John Ely, Receiver General of Carolina. We have sent you the duplicate of our former letter by your Brother Amy who went by way of Providence in Capt. Dalton. We expect you to send us the balance of your account by the first ship possible. Acquaint our Trustees for selling land that it is our order that no bonds be taken for lands sold and no grants passed but when the purchase money is actually received by you; that you with the advice of the Governor give to the Marshall a reasonable reward for his pains in settling our arrears, and that there be speedy process for getting all our dues except Sir Nath. Johnson's bonds. Acquaint them also that we intend to grant no land by way of sale after Jan. 1, 1700. From thence forward all lands taken up shall be continued at the quit-rent of 1 penny per acre. (*Signed as preceding.*) [*Board of Trade.* North Carolina, 4. *p.* 80.]

Oct. 20.
London.

876. Philip Ford to William Popple at his house in Essex Building by the Temple. Thine dated Sept. 13, with the letter to Wm. Penn, I have delivered to John Bond, of the *Endeavour*. *Signed*, Philip Ford. *Endorsed*, Recd. Oct. 23, 1699. ¼*p.* [*Board of Trade.* Proprieties, 4. *No.* 14.]

Oct. 20.
Pennsylvania.

877. Col. Quary to the Council of Trade and Plantations. I am very sensible that I have tired your Lordship with my numerous letters. The want of an answer has been very prejudicial to me and all others concerned for H.M. service in these parts. I humbly beg your speedy orders (1) concerning the prohibited goods seized by the King's Collector and then taken by force out of the King's store by order of this Government, (2) and concerning two vessels condemned in the Court of Admiralty, which on appeal are recommended home to Mr. Penn by this Government, who hope through his great interest at Court to clear them and ruin me. The

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Government would not so much as issue out a Proclamation against the pirates, eight of whom I apprehended in spite of the inhabitants' endeavours to prevent me. The pirates committed to gaol are out upon bail; they walk the streets with their pockets full of gold and are the constant companions of the chief in the government. They threaten my life and those who were active in apprehending them; carry their prohibited goods publicly in boats from one place to another for a market; threaten the lives of the King's Collectors and with force and arms rescue their goods from them. The favour which the pirates find in these Governments hath been of a very fatal consequence to several of H.M. subjects, who have had their ships and goods carried out of this port by their own ships' crews; for those who never designed to do an ill thing, seeing pirates and murderers at liberty, respected and made the companions of the best and masters of such great sums of money, it encourages them to turn villains too. The 2,000 pieces of eight which I had in my custody, the two pirates from whom I took it, since they are bailed, resolve to bring their action against me for it, being encouraged thereto by this Government. I am sure they will recover against me, so that if I cannot delay the business till I hear from you, I must return them the money. And though I have disbursed considerable of my own money in seizing them, I shall not be allowed one penny. They resolve to bring these pirates to a trial, though there is not so much as an Act passed in the Jerseys for the trial of piracy, nor is there in either Government any evidence for the King, as they have managed it. However the force of gold will do anything. All these parts swarm with pirates, so that if some speedy and effectual course be not taken the trade of America will be ruined. *Signed*, Robt. Quary. *Endorsed*, Recd. Read Feb. 26, $\frac{1699}{1700}$. 4 *pp.* *Enclosed*,

877. I. (1) Petition of inhabitants of Newcastle to Governor Markham. At the end of Aug., 1698, a company of pirates plundered the town of Lewis and threatened Newcastle. We have no fort, arms or militia, and are therefore at the mercy of such merciless wretches. We beg that measures may be taken to protect our lives and estates. *Signed*, Richd. Hallwell, Robt. Trench, John Donaldson, James Oats, Math. Birch, Ja. Claypoole, Wiss. Alricly, Rich. Reynolds, Peter Godin, Hipo. Leferor, John Birk, Johanus Sarduin, John Ellis, Roger Wotton, James Read, John Kolvert, Saul Barnes, Benj. Swett, Robt. Dyer, Jouph Griffin, Saml. Vans, Rich. Hace, Silvester Garland, Chris. Hussey, George Lamb.

(2) Minute of Council, Aug. 9, 1699, Philadelphia, rejecting the above petition.

(3) List of passengers that came with Capt. Shelley from Madagascar.

(4) Copy of deposition of Jacob Bodill, ship's carpenter, James Hunt and Harman Peterson, Newcastle, July 27, 1699, as to the ineffectual attempt of Math. Birch, Collector, of Newcastle, to seize some pirates.

(5) Corroborative affidavit of Math. Birch.

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(6) Copy of letter of Math. Birche. I have gone as far as I can to prosecute John Minis, James Macomb and Edward Robinson for aiding pirates and running their goods (4), but no measures I can take prove effectual amongst non-jurors, Quakers and ill-affected Scotchmen. Newcastle, Delaware, Aug. 17, 1699. 6½ *pp.* [*Board of Trade.* Proprieties, 5. *Nos.* 1, 1-I.; *and* (*without enclosures*), 26. *pp.* 176-179.]

Oct. 20. Boston. **878.** Governor the Earl of Bellomont to the Council of Trade and Plantations. I have every day a greater confidence in my scheme for the furnishing of Naval Stores, with this difference, that I find the 1,000 soldiers proposed in my letter (April 17) will fully answer the yearly quantity required. At Pescattaway a man that made tar told me he, with his own single labour, made a barrel of tar per week, which is at the rate of 6¼ tons a year, and that where there is a number of hands a much greater quantity would be made in proportion. A master of a ship from Carolina, which brought 90 barrels of tar from thence, told me that it was made up in the country and cost him 7*s.* 6*d.* per barrel and one shilling per barrel boating it down a river = £3 8*s.* per ton. This was a demonstration that a number of hands could manufacture a far greater quantity than would hold proportion with a single man's labour; otherwise that country, which is a very new Colony and where consequently labour must be at least as dear as it is in my Government, *i.e.* 3*s.* per day, could never afford tar at so cheap a rate. Some merchants and seafaring men assured me the Carolina tar was rather better than the Norway tar and that the people of Carolina had the art of correcting that hot quality in it which burns the rigging of ships, and which was the fault found with the tar made in N. Hampshire and sent to England. Here have been several parcels of tar sent hither from Carolina since my coming here, and I find they export a pretty good quantity of it yearly to the other Plantations. The scheme I sent was a rude sketch: I have since refined upon it, and hope it will now deserve your furtherance. *Repeats former propositions.* The soldiers if granted land at the end of 7 years' service (Aug. 24) will be not one single farthing the richer unless they can build a house and buy furniture and stock to begin the world withal. But if they earn 12*d.* a day by making tar, etc., and I set apart 12*d.* a week out of their pay, I could improve that 1*s.* a week to be £50 or £60 to each soldier at the seven years' end. This will be an act of humanity to provide for poor soldiers, that otherwise must starve in their old age and die in a ditch, as many of them do, when they grow unfit for service. Whilst improving the soldiers' money, I would ensure every shilling of it. The improvement is almost certain, judging by the profits of the New York merchants, for I protest solemnly I have never been concerned in trade since my coming into America, more than that I sent for two pipes of wine at Maderas soon after my coming, and about half a year ago for two pipes more, which I have not yet received. My thoughts have been so at work about Naval Stores and Marts for the King, that understanding last spring from two honest Dutchmen that had found out a parcel of vast pines on one of Mr. Dellius' grants, which they said were big

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enough for masts for the biggest ship in the world, I sent one of them, Mr. Schermerhorn, and John Latham, an able shipwright, that learnt his trade in one of the King's yards in England, to survey those woods, I mean to the northward of New York up Hudson River, the Mohacks' River, and along the side of Corlaer's Lake. I send their Journal and Latham's report and the L.G.'s proclamation forbidding the cutting of any of those great trees fit for masts for the King's ships. But in the Province of New York people little mind proclamations or laws either.

I am glad to find there are pines of 11 or 12 feet about, for either of those sizes is big enough for a first-rate ship. I am satisfied the trees might be floated down the great fall, which I have been at, and then they will be the cheapest in the world, for they may be floated all down Hudson's River to the ship's side that takes 'em in to carry them to England. In summer when there is not a flood, I grant it might hazard the breaking such heavy trees to let them tumble down that great fall, but in winter I cannot believe there's the least hazard. I stood looking a good while at that fall. It is at least 600 yards broad and in the highest place about 50ft. high. 'Tis eight miles above Albany, due north. The river when I was there was shallow for about a mile below the fall and rocky, except just under the fall, which the guides assured me was 6 fathom deep and the mighty and continual fall of water seems to have made that cavity in the rock. There is an art to save one of those great trees from breaking by binding lesser trees about it. If you be satisfied of the faisibility of this scheme, I hope you will send 800 men to make up the 1,000 proposed, though I fear our four companies will not afford 200.

On the road as I was returning from Rhode Island, I was met by an express from Albany with a letter from Mr. Livingston and Col. Schuÿler enclosing a message from our Indians, that the remote Western Indians, where I formerly writ to your Lordships M. de Tonti had built a small fort and had a French garrison, have lately killed and scalped five of our remotest Indians, called Senecas. I do not think it proper to complain to the Governor of Canada, as Mr. Livingston and Col. Schuÿler advise, for that would be construed a recognition of the French King's sovereignty over those Western Indians. I wish you would please to write to the Governors of Pennsylvania, Maryland, Virginia and Carolina to endeavour by all means to engage those Nations of Western Indians in a trade with them. I am sure it is a shame for them to suffer the French to prevail so, when they have infinitely the advantage of the French in all respects, for the French supply those Indians all the way from Canada, 700 miles, and the greatest part of the way by land too. I would willingly have a conference with those Governors about opening a trade, and would have Philadelphia be the place of our meeting, because it is most in the centre, but I must have the King's leave for so doing.

Mr. Parmiter, the Naval Officer at New York, having several times complained to me by letter of the insufficiency of the Revenue Acts, which gave the merchants advantages against the King, I advised him to write his remarks on the Acts and send them to me. I enclose his remarks and the printed Book of Laws passed last

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Session and beg for the observations of some able lawyer in England upon them. I have not lately had any perquisites by seizures of forfeited ships and goods; we lose all that's seized for want of law in the Attorney General, or something else, so that the Custom House officers are quite discouraged and the 300 miles that I am from them do not deliver me from the trouble of their complaints. Neither the King nor I had a shilling from the sale of the *Hester*, for the master swore the seamen's wages amounted to more than the price the ship sold for, and Mr. Graham the Attorney assured me it was law that in cases of the kind the ship was a pledge for the seamen's wages. I desired him to give it under his hand for law, but that he refused to do. Molloy *De Jure Maritimo* is positive that a mariner is entitled to his wages except in the case of piracy or the like, but perhaps his authority is not good. Please to let me have the opinion of the King's Attorney General in this point against another such occasion.

I formerly aquainted you that Nassau Island was become a great receptacle for pirates. I am since more confirmed that 'tis so. Gillam, a notorious pirate, was suffered to escape thither from Rhode Island, and 'tis believed he is still there, notwithstanding the L. G. published a reward of £30 for his apprehension and at the same time £10 a piece for two of Kidd's men that escaped from this town to Nassau Island. The east end of it exceeds Rhode Island. The people have been many of them pirates themselves and to be sure are well affected to the trade. They are so lawless and desperate that I can get no honest man to venture to collect the Excise among them and watch their trade. There are four towns that make it their daily practice to receive ships and sloops with all sorts of merchandise, though they be not allowed ports. To correct these great abuses I intend next spring, if your Lordships approve, to quarter 100 men in the several towns under discreet officers. I suppose these people will be very clamorous against me, but if they will not know their duty, they must be taught it, and I doubt not but the Laws and Government of England will allow of my taking that course, since no other will do with that people. However, I should be glad to receive your orders as to the quartering souldiers in those touns. When the two Scotch ships, *Caledonia* and *Unicorn* came to N. York, they were in a miserable condition, having lost a great number on their voyage from Caledonia by famine and sickness. Upon their first arrival they applied to the L.G. for leave to buy provisions. Mr. Parmiter's postscript and a hint in the L.G.'s letter give me a jealousy that the Scotch from a starving condition they were in at their first coming grew very insolent while they were at New York. I have been cautious enough in my orders to the L.G. not to suffer them to buy more provisions than would serve to carry them to Scotland, and if he have suffered them to exceed that, he is to blame, and for any insolences committed it had been easy, I should think, to have put a check to that by committing the officers and principal passengers till they had made satisfaction and given security for their good behaviour. There are Scotch enough there to have been sureties for them.

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In the Newspaper called the Flying Post, London, Aug. 1, there is an article of news, which, if it were true, would be a reflection on me. It says that there went five ships at once from hence laden with provisions to the Scotch at Darien. I have enquired and find there was only one briganteen belonging to one Steel, a merchant in this town, that went to Nevis with provisions, but not finding a market there, he went to Caledonia. This was before my coming hither and before the King's pleasure was known in that matter. That part of the same article, which says that I, as Governor of Rhode Island, stopped a ship there that brought Mr. Daniel Mackay from Darien or Caledonia and afterwards suffered her to proceed on her voyage to Scotland, is as great a mistake. The thing was thus in fact. A briganteen belonging to Mr. Oliver, a merchant of this town, went hence to Jamaica with provisions, and thence to Caledonia. This was long before the King's orders were sent from England, and for that reason I advised the Governor of Rhode Island to release her. She refused to proceed to Scotland, so that Mr. Mackay and his companions were forced to come hither from Rhode Island and embark on a ship bound to London. I send the Minutes of Council during the Session of Assembly at New York, March 2, 1698—16 May, 1699, and Minutes of Council out of Assembly for the months of April, May, and June. I gave you an account (May 13) of the Attorney General's advice about the *Fortune* to Col. Depeyster, who is a very honest man. Everybody was troubled at his loss and disappointment in the purchase of that ship. The Minutes show what steps were made towards his relief. I found the Acts of Navigation left no room to relieve him and therefore rejected the request of the House of Representatives to me to let him load the ship with lumber to some foreign port and there sell her, because I thought lumber was as well merchandise as anything else. To comfort Col. D'Peyster I writ to him Aug. 2 "Take all possible care to preserve the *Fortune* and I will send her to England next spring with Naval Stores for the King." On his producing that letter the L.G. and Council were so easy and good natured as to grant him a warrant for the money the ship stood him in. I have vexed and fretted at this and reproved them. It should not have been done without my consent and I had resolved not to consent till I had your answer to my letter of May 13. Col. D'Peyster vouches his account upon oath, £588 New York money, and is to deliver her in good sailing order April 10, against which time I will endeavour to provide a loading of ship-timber for the use of the King's navy and so send her to England. Col. D'Peyster had paid £315 for the King, whereof a third part, the King's share of the forfeiture, must be deducted out of the £588, and then the King will be looser in the sum £483, unless by the above expedient I can indemnify him. If there had been Law enough in New York to satisfy me that loading a ship in her circumstances with ship-timber for the King's use were not against law, I could have saved the King £450 sterling, which Mr. Bridger, the Purveyor of Naval Stores, paid very lately for the hire of a ship of the same burthen to transport a parcel of specimens of ship-timber from Pescattaway to England. In the Minute of Council, May 15, you will find the Clerk has either through mistake

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or worse made me and the Council order reimbursing Col. D'Peyster all the money he had laid out on the *Fortune*. On Col. D'Peyster's entreaty, I told him I would befriend him as far as with justice I could, and accordingly on May 15, I desired the Council to advise me what in justice they thought fit. They agreed it was just and fit that he should be reimbursed out of the revenue, and that some of the Council should make the most of the ship for the King's advantage. I told 'em I would not consent that the money should be ordered till I had received your orders, and signed no warrant. But I agreed that some of the Council should take care of the ship and see whether there was the rigging and furniture Col. D'Peyster pretended. After all the ship is a very good one, well fitted and new rigged and would sell in England for £500 sterling, and I hope that by sending her so laden the King will be 3 or £400 the gainer. But I acquaint you with the whole matter that I might not appear ridiculously inconsistent from the Minute of May 15 and my letter of May 13.

I brought from England a commission under the seal of the Admiralty for trying pirates and pirates' goods, taken or committed in Connecticut Colony, in the Admiralty Court of N. York. Upon hearing that some of Bradish's men were taken by Col. Winthrop, Governor of that Colony, I was about to send for them, but he prevented me by sending your letter to him, March 21, 1698, with a draft of the Bill for restraining and punishing privateers and pirates, which you injoin him to endeavour to get passed, and in it there are Admiralty powers to try and punish with death all such offenders. The Council and I agreed that by that bill's being enacted Connecticut Colony would be exempted from the jurisdiction of the Admiralty Court of N. York; but I do not hear it is yet passed, and the pirates still continue in prison and untried. Every days shows more and more the want of a good Attorney General; the Naval Officer and Collector (Mr. Parmiter and Hungerford), who know something of law, ridicule Mr. Graham's informations and pleadings, and he meditates revenge and sets the L.G. against them. It were good husbandry to allow £800 or £1,000 a year to a good judge from England, and £300 to a good Attorney General. I propose that the judge shall serve for N. Hampshire as well as for N. York, and that the Attorney General shall serve the King in all the three provinces under my government. Without them I go like a man manacled and fettered. I refer you to the Remonstrance of the House of Representatives (April 27).

I have prevailed with Gov. Winthrop to seize and send Thomas Clark, of N. York, prisoner thither. He had been on board Kidd's sloop at the East end of Long Island, and carried off about £5,000 in goods and treasure, and perhaps more, into Connecticut Colony, and thinking himself safe from our power, writ my L.G. a very saucy letter, and bade us defiance. I have ordered him to be kept in the fort, because the gaol is weak and insufficient. When orders come to me to send Kidd and his men to England (which I long for impatiently) I will send Clark as an associate of Kidd's. *Signed*, Bellomont.

Oct. 30. *P.S.*—I send Clark's proposal to the L.G. to surrender all the goods and treasure he received. I have advised him that I will

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become Clark's advocate if he does so, but directed him to take the £12,000 security offered and his oath to the punctual performance of what he has proposed. I send an account of the stores of war at N. York.

Nov. 6. I have prevailed with the master of the ship to stay 4 or 5 days for the post's coming from N. York, that I might give you some account of the behaviour of the Scotch, which I believe you will think very insolent. You will see no cause, from the enclosed papers, to blame the L.G. It was impossible for him to check their insolence; they were in a capacity with those ships of force to insult New York or any other Plantation. From a passage in his letter you will think with me there is need of an honest Attorney General. The Caledonian settlement is quite deserted, the last recruits sent thither from Scotland being dispersed, and most of the planters gone to Jamaica, together with their best frigate, the *St. Andrew.*

I send the Collector's list of ships cleared inward and outward in New York from Lady Day to Michaelmas. The Naval Officer's lists do not come further than Midsummer quarter. I am sorry for the want of method, which is not from want of direction from me. Col. Courtland sent me his accounts of the revenue unsigned, which for that reason I returned. My Instructions (Oct. 4, 1698) directed me to attest all the accounts of the Revenue, which in my absence I durst not venture to do, without a certificate from the L.G. and Council of their having carefully examined them. *Endorsed*, Recd. Jan. 5. Read Jan. 15, 24, $\frac{1699}{1700}$. 10 *large closely written pp. Holograph. Annexed,*

878. I. Abstract of preceding. $3\frac{1}{4}$ *pp. Enclosed,*

878. II. Copy of the Journal of Ryer Schermerhoorn and John Latham. Aug. 30—Sept. 13, 1699. 1 *p.* translated from the Dutch. *Endorsed*, Recd. Jan. 5, 1700.

878. III. Copy of report of John Latham, shipwright. Sep. 21, 1699. 1 *p. Same endorsement.*

878. IV. Proclamation by the L.G. of New York, forbidding the cutting of certain trees fit for masts for H.M. Navy. Sept. 22, 1699. *Signed*, John Nanfan. *Printed copy.* 1 *p. Same endorsement.*

878. V. Copy of a letter from Col. Schuyler and Mr. Livingston to Lord Bellomont, about hostilities committed by the remote Western Indians upon our Seneca Indians, supposed by the instigation of the French. Sept. 22, 1699. $1\frac{1}{2}$ *pp. Same endorsement.*

878. VI. Copy of a message from the Onnondage Indians about the Dowaganhas having killed and scalped five of our Senecas, and also announcing M. Mariecour's coming from Canada with a number of men to Onnondage to treat with our Five Nations. Sept. 21, 1699. $2\frac{1}{2}$ *pp. Same endorsement.*

878. VII. Paroculus Parmyter to Lord Bellomont. New York, Sept. 25. We have seized a ship for illegal loading, loaded from Jamaica, owned by Mr. Wenham and Robert Allison, a man famous in his time for his piratical depredations. I have no great hopes to get

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judgment, as things are carried on. Another vessel escaped. I have arrested Adolphus Phillips, one of the owners. *Complains of* the Attorney General and the imperfections of the Act of Revenue. *Post S.* The Caledonia is gone; the officers before she departed manned a sloop in the face of the Government and granted letters of mart and reprisal against the Spaniards. Coming hither they took a Spaniard from on board an English vessel and in contempt of the Council's Order keep him prisoner. *Copy.* 3 *pp.* *Same endorsement.*

878. VIII. Copy of Mr. Parmyter's observations on the deficiencies of the Revenue Act. 3 *pp.* *Same endorsement.*

878. IX. Memorandum of Printed Laws of New York passed March 2—May 16, 1699.

878. X. Proclamation of the L.G. of New York for the arrest of James Gillam, English Smith and Humphery Clay, notorious pirates. Aug. 29, 1699. 1 *p.* *Printed Copy.* *Same endorsement.*

878. XI. Copy of memorial of the Scotch gentlemen come from Caledonia for leave to purchase provisions for 200 men for 10 or 11 weeks. *Signed*, Sam. Vetch, Robt. Drummond, Tho. Drummond.

Minute of Council of New York, Aug. 5, 1699. 1 *p.* *Same endorsement.*

878. XII. Extract of letter from the L.G. of New York to Lord Bellomont, Aug. 7, 1699. On Friday, the *Caledonia*, 60 guns, arrived. Forced to leave their settlement by famine and sickness, they divided equally among their three great ships. This ship was bound for Boston, where Drummond the Captain was acquainted. Contrary winds, the weakness of their men and scantiness of provisions forced them to put into Sandy Hook. They brought 300 and odd men out of Caledonia and have thrown 103 overboard, and the rest are so weak from pure fatigue and famine, having been forced to short allowance only of salt provisions since they left Scotland, they are not able to get up their small bower anchor. They have no money, so I desire you will let me know how far the law will allow the barter of stores. Their miserable condition is enough to raise compassion. The other two ships he left in the mouth of the bay, not being able to get out to sea, the wind blowing four months in the year directly north into the Bay. They are bound for the first port they can fetch for refreshment in order to Scotland, but this Capt. seems to be in pain for them, and believes the French will be soon in possession of their forsaken fortification, they not having time or not having been able to demolish them.

Aug. 14. Here is another Caledonian arrived, lost his masts and half-starved; he has thrown over 150 men since he came out.

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Aug. 21. Lord Bellomont to the L.G. of New York. You know how strict my orders are against furnishing the Caledonians with provisions. Yet if you can be thoroughly well assured these ships will go directly for Scotland, you may furnish them with just provisions enough for their voyage.

Oct. 9. L.G. of New York to Lord Bellomont. The Caledonians, with the advice and assistance of their countrymen, have played us not fair.

Oct. 16 and Oct. 23. Lord Bellomont to the L.G. Fail not to give me a particular relation about the behaviour of the Scotch. I wish you have not burnt your fingers with them. 2¾ *pp. Same endorsement.*

878. xiii. Duplicate of preceding. *Torn and very rotten.*

878. xiv. Minutes of Council of New York, Aug. 23rd and 25th, 1699. 2 *pp. Same endorsement.*

878. xv. L.G. of New York to Lord Bellomont. Oct. 23, 1699. Clark proffers £12,000 good security, and will on oath deliver up all the goods he hath been entrusted with from Kidd, provided he may go and fetch them. ¾ *p. Same endorsement.*

878. xvi. Account of the Stores of War in Fort William Henry, New York, Ap. 11, 1699. 6 *pp. Same endorsement.*

878. xvii. List of vessels registered at New York, March 25–June 25, 1699. 7 sloops and 1 ship. 1 *p. slip.*

878. xviii. Memorandum of Naval Officer's List of ships entered and cleared at New York inward and outward, March 25—June 25, 1699.

878. xix. Memorandum of Collector's list of same, March 25—Sept. 29, 1699.

878. xx. Memorandum of Journal of Council in Assembly, March 2—May 16, 1699.

878. xxi. Memorandum of Minutes of Council, Apr. 3—June 28, 1699.

878. xxii. L.G. of New York to Lord Bellomont. Oct. 30, 1699. From the enclosed papers you will see every particular from the arrival of the Scots to their leaving us. I need not aggravate their carrying off the Spaniard, in contempt of our order, in a sloop they bought of Delancy, wherein they shipped a great deal of provisions, with Capt. Thomas Drummond, brother to Capt. Robert Drummond, though the latter writes to his friend Capt. Vetch that the Spaniard, with ten men more, run away with the *Unicorn's* pinnace. The manner of their proceeding with a Scotch merchantship, *Adventure*, you will see by the enclosed depositions. If I had had force I would have fetched him out of his ship and made him an example. But I had it not, and could get no advice from the Attorney. 1½ *pp. Same endorsement.*

878. xxiii. Duplicate of preceding. *Torn and very rotten.*

878. xxiv. and xxv. Duplicates of No. (xi.)

1699.

878. xxvi. Minute of Council granting Jaspar Scheurman leave to bring his effects ashore. Aug. 15, 1699. ½ *p.* *Same endorsement.*

878. xxvii. Petition of Richard Veizy of Jamaica, passenger from Caledonia, complaining of Capt. Drummond threatening to sell him in the Plantations. Aug. 18. 1 *p.* *Same endorsement.*

878. xxviii. Minute of Council, Aug. 18, summoning Capt. Drummond to appear. ½ *p.* *Same endorsement.*

878. xxix. Petition of William Paterson, Aug. 23, praying for leave to bring his cloaths and goods ashore from the *Unicorn.* ¾ *p.* *Same endorsement.*

878. xxx. Minute of Council, Aug. 23, granting above petition. ½ *p.* *Same endorsement.*

878. xxxi. Petition of John Granada, a Spaniard, forcibly taken by Capt. Drummond with goods, &c. out of an English sloop on the coast of Caledonia. Aug. 23. 1 *p.* *Same endorsement.*

878. xxxii. Minute of Council, Aug. 23, summoning Capt. Drummond to appear before the Board. ½ *p.* *Same endorsement.*

878. xxxiii. Minute of Council, Aug. 23, ordering Richard Veizy to be discharged from the Caledonia. ¾ *p.* *Same endorsement.*

878. xxxiv. Petition of William Murray and David Munro for permission to bring their effects on shore from the Caledonia. ¾ *p.* *Same endorsement.*

878. xxxv. Minute of Council, Aug. 30, granting above petition. ¾ *p.* *Same endorsement.*

878. xxxvi. Deposition of Peter Wessels, Sept. 12. Capt. Drummond sent his men with drawn cutlasses on board a ship, *Adventure,* John Howell, master, and bade deponent, who was piloting her, to anchor her under the guns of his ship. 1 *p.* *Same endorsement.*

878. xxxvii. Deposition of John Howell, that Capt. Drummond has seized his ship and kept himself prisoner on board the *Caledonia.* Sept. 13, 1699. 2¾ *pp.* *Same endorsement.*

878. xxxviii. Minute of Council, Sept. 13, summoning Capts. Robert and Thomas Drummond and Capt. Samuel Vetch to appear before the Board. ¾ *p.* *Same endorsement.*

878. xxxix. Memorial of Capt. Vetch and William Paterson. We had no design to seize the *Adventure,* but only to delay her coming up to town until we should give the master our best advice, who was uncapable of it by reason of his drunkenness. *Copy.* 1 *p.* *Same endorsement.*

878. xl. Memorial of the Council of Caledonia, Sept. 22, asking for an order of Council for the arrest of deserters from this Company's service. *Signed,* Sam. Vetch, William Paterson. 1 *p.* *Same endorsement.*

878. xli. Deposition of James Baker, Commander of the *Charles,* of New York. Boston, Sept. 11, 1699. On Aug. 3, 200 miles E. of New York, he was plundered by

a pirate, the *Providence* galley, now called the *Alexander*, John James, captain, a Welshman. 3¼ *pp.*

878. XLII. Deposition of Samuel Staats that he often heard Capt. Leisler say he had spent between six and seven and twenty hundred pounds out of his own estate for the King's service. *Copy.* Aug. 21, 1699. 1 *p.*

878. XLIII. Deposition of Abraham Gouverneur to the same effect. *Copy.* 1½ *pp.* [*Board of Trade.* New York, 9. *Nos.* 2, 2I.-XLIII.; *and* (*without enclosures*) 54. *pp.* 35-70; *and* (*abstract*) 15. *pp.* 67-75.]

Oct. 20.
Barbados.

879. Governor Grey to Council of Trade and Plantations. There is an office in this Island mentioned in the list of Patent places, herewith sent, called the Naval Office, as it formerly did (until it was disposed of by Col. Francis Russall, late Governor here, to one Mr. Edward Cranfield for a good consideration) so now by the late Act of Parliament, made in the 7th or 8th years of his present Majesty's reign, entituled an Act for preventing frauds and regulating abuses in the Plantation Trade, upon a mature and right consideration in that matter, the power of appointing that officer was again re-established and lodged in the Governors of this Island, and they accordingly charged and made answerable for all or any the misfeazances of that office; and now, my Lords, to have (contrary to the express words as well as any equitable construction that can be made upon the said Act), so many branches of my instructions, my oath, the forfeiture of my Government and £1,000 sterling, as also, with impatience be it spoken, rendered incapable of ever serving a Prince again, whose goodness to all mankind, as well as unlimited grace and bounty to myself in particular, to have all this subjected to the power of another man has long since been to me a very melancholy consideration; but now, I confess that the public complaints of the Assembly and other the inhabitants of this place against the present constitution and management of that office, and the respective officers thereof have made it almost insupportable, and nothing but my duty and tender regards to His Majesty's Letters Patents granted to Mr. Edward Cranfield, has prevented my turning out the officer, and taking that office under my own care and direction, as I am certain His Majesty upon the passing the aforesaid Act so long after the date of that patent has fully designed and appointed; nor can I imagine it to be possibly managed any other way to His Majesty's proper service or any tolerable security to myself.

I have writ to the Lords of the Treasury upon this subject and entreat your Lordships' assistance.

Signed, R. Grey. *Endorsed*, Recd. Dec. 22, 1699. Laid before the Board Jan. 4, $\frac{1699}{1700}$. Read Jan. 8. 2½ *pp.* *Enclosed*,

879. I. *Duplicate.* [*Board of Trade.* Barbados, 8. *Nos.* 31, 31 I.; *and* 45. *pp.* 10, 11.]

Oct. 20.
Barbados.

880. Governor Grey to the Council of Trade and Plantations. Since my last of Aug. 21 I have communicated your letter of June 26 to the Council and Assembly, and have likewise recommended to them the remaining part of my instructions. There are several planters gone off the island, having been very sickly, and many of the servants are as yet unsettled, so that I must wait another opportunity to give an account of the numbers of planters and servants. The Assembly, with the concurrence of the Council, having ordered a house of stone in a fort in the Bridgetown of fifty foot front to be fitted up and well furnished for my accommodation, it will be completed by His Majesty's birthday. Having intelligence that Kidd and some other pirates were straggling in these parts, I sent out H.M.S. *Speedwell*, Capt. Barker, Commander, in search of them. Enclosed is a journal of his cruise, by which your Lordships will see how absolutely necessary it is that there be ordered to be sent hither at least two ships of force for the defence and safety of these parts. I enclose the Acts passed since the beginning of June under the seal of the Island, copies of the Minutes of the Council from the same time, the Naval Officer's account, the Keeper of the Magazine's account, together with the Minutes of the Assembly, and shall observe to send over duplicates of them all *per* the next shipping, in obedience to His Majesty's instructions. I intreat your favour with His Majesty that he may permit the sum of £2,000, a present made me by an Act of the country, may be paid by his warrant or Royal Order. I will send the names of 12 persons qualified to serve as Councillors by my next without fail. William Wheeler, Esq., a gentleman of the most considerable interest in the island, and of undoubted zeal for his Majesty's interest and government, was sworn a Councillor, to complete the number of twelve, the third inst., since which, Patrick Mein, Esq., a Member of the Council, landed, so that now there are thirteen, viz.:—John Farmer, George Lillington, George Andrews, William Sharp, Patrick Mein, Tobias Frere, Michael Terrill, David Ramsay, Richard Scott, Benjamin Cryer, Richard Walter, Thomas Merrick, and William Wheeler. I have sent your Lordships one other letter relating to myself, which I must beg your Lordships' favour in; likewise to recommend the said Mr. Wheeler for his Majesty's approbation to be continued in the Council, one or two of the members intending in the spring to go off. I have also sent your Lordships a list of the patent places. *Signed*, R. Grey. *Endorsed*, Recd. Dec. 22, 1699. Laid before the Board, Jan. 4. Read, Jan. 8, $\frac{1699}{1700}$. 3 *pp*. *Enclosed*,

880. I. *Duplicate*. *Enclosed*,

880. II. Journal of Capt. Barker's cruize in the *Speedwell*, Aug 6th—Oct. 3rd, 1699. Sailed from Carlisle Bay the 6th Aug., 1699. On the 7th we arrived at Martinico where we met with a great deal of rack and timber, whereon I hoisted out my boat and sent my Lieutenant ashore, who brought me off word that they had had a very severe hurricane, which carried down houses and trees and put three ships ashore, besides eighteen sloops lost. That night I sailed for Montserrat and on the 9th Aug. I arrived, where I met with Captain Billingsly in the *Queenborough*, and Capt. John Brehott in the *Carlisle*, and that night we sailed for Mevis, where we arrived the next morning. On the thirteenth we sailed in company with the forementioned ships for the

Virgin Islands. We arrived the 15th at Beef Island in the evening. Capt. Billingsly sent his boat ashore to take one Ham off for his pilot, who had traded with Kidd, but received information that he was gone for Sta. Cruse the 16th. We sailed for Sta. Cruse, but could not meet with the said Ham. The 17th we came off St. Thomas's, there coming out a ship, which we took for a pirate, we gave him chase all that day and till 12 o'clock at night, but could not come up with him. After chase, Capt. Breholt lost us, but Capt. Billingsly and myself made the best of our way up for St. Thomas's, where we arrived Aug. 20th, and being informed, when we came there, that one Capt. Rogers, which came from Madagasco, had been there about seven days before, who desired the Governor that he would protect him if an English man-of-war arrived, which the Governor refused, upon which he sailed for Crabb Island, where he met with one John Brett, belonging to Barbados, in a sloop, upon which Rogers gave him his ship and sixteen bales of goods for his sloop, but where they were we could not be informed, during my stay at St. Thomas's I careened my ship, and on Sept. 3rd I sailed for Sta. Cruse and sailed from thence the 6th, down for Crabb Island, and Porto Rico. On the 10th, being filling water at Porto Rico, came in a sloop from Curreso, which informed me that between Mona and Hispaniola he met with a sloop of ten guns, a pirate, but could not tell the captain's name, and the aforesaid pirate carried his sloop into Mona, there being a ship of twenty-six guns and a brigantine of twelve, which were this pirate's consorts. They had taken two ships of the Dutch and a brigantine from New York. They took what they thought fit out of them and then burnt the said ships and brigantine and swore they would burn all ships they took. On the 12th we sailed for Porto Rico, plying to windward; the 14th my Lieutenant departed this life; on the 15th I met with a snow off the South East end of Crabb Island, which was sent down by the Governor of Baxtar in pursuit of a sloop that was run from Baxtar on Sept. 11th, the sloop having on board 30 negroes of one Smith of St. Thomas's; the 16th I arrived at St. Thomas's, where I gave them an account of their sloop's being run away withal. I sailed from thence the same day. The 18th I arrived at Beef Island, where I stayed three days. During our stay there came in a French sloop from Sta. Cruse, who had been catching wild horses; he informed me that the sloop that run from Baxtar had been there, and that he [the sloop] had plundered them of all their provisions, great guns, ammunitions and small arms, and that he had plundered a small vessel belonging to the Governor of Baxtar, and that he sailed from thence, but they

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could not inform me whither. That day I was coming to sail, three men run from me, whereupon I stayed till I took the said men, which was Sept. 25th, and then I made the best of my way for Barbados. On Oct. 3rd we saw two French men-of-war off Guardelope, and on the 7th we arrived in Carlisle Bay. At St. Thomas's I was advised there were two pirates expected from Madagasco, one of sixty and one of fifty guns, one of which pirates is called the *Mocow* frigate. *Endorsed,* Recd. Dec. 22, 1699. Laid before the Board Jan. 4, $\frac{1699}{1700}$. Transmitted in Mr. Grey's letter. 2½ *pp.* *Enclosed,*

880. III. *Duplicate.*

880. IV. List of the Patent Places.

Patents.	*Patentees.*	*Officiated by*
Secretary,	—	Edmund Bedingfield.
Provost Marshall,	James Hannay,	Thomas Edwards.
Clerk of Chancery,	Thomas Doleman,	William Berisford.
Clerk of Crown and Peace,	Thomas Doleman,	Thomas Harrison.
Clerk of the Market,	Robert Harmsworth,	James Robinson.
Naval Officer,	Edward Cranfield,	Samuel Cox.
Postmaster,	St. Loe	William Geddes.
Surveyor and Auditor General,	William Blathwayt, Esq.	Charles Thomas.

Endorsed, Recd. 22 Dec. 1699. Laid before Council, Jan. 4, $\frac{1699}{1700}$. *Enclosed,*

880. V. *Duplicate, Surveyor omitted.*

880. VI. Account of Stores (chiefly ammunition and small arms), sent from England in the ship *Isabella Ann Katherine,* Capt. Thomas Lemman, commander, in 1699. *Signed,* George Peers, Keeper of the stores. *Endorsed, as above. Several strips gummed together.*

880. VII. Magazine Account current to Aug. 22, 1699. *Signed and endorsed as above.*

880. VIII. Memorandum of Minutes of Council, June 5—Oct. 17, 1699. ½ *p.*

880. IX. Memorandum of the House of Representatives, April 18—Oct. 3, 1699. ½ *p.*

880. X. Memorandum of Naval Officer's Account. March 25—June 24, 1699. ½ *p.*

880. XI. Memorandum of Acts passed by the General Assembly, Aug. 2—Oct. 17, 1699. ½ *p.* [*Board of Trade.* Barbados, 8. *Nos.* 32, 32 I.-XI.; *and* (*without enclosures*) 45. *pp.* 11-14.]

Oct. 22.
Whitehall.

881. Mr. Secretary Vernon to the Council of Trade and Plantations. It is His Majesty's pleasure that you report your opinion about the want of an able Judge and Attorney General at New York and about Sir William Beeston's request for leave to come home for his health. *Signed,* Ja. Vernon. *Endorsed,* Recd. Oct. 23. Read Ditto 25, 1699. 1¼ *pp.* [*Board of Trade.* New York, 53. *pp.* 373, 374; *and* 9. *No.* 3.]

1699.
Oct. 22.
Whitehall.

882. Mr. Secretary Vernon to the Council of Trade and Plantations. *Extract of a letter.* My Lord Lucas having delivered the enclosed memorial to the Lords Justices in behalf of Sir William Beeston, His Majesty refers to you for information. *Signed,* Ja. Vernon. *Enclosed,*

882. I. Memorial of Sir William Beeston. The Lieutenant Governor of Jamaica, having been there between six and seven years and finding a great decay in his health, for the recovery of which he is advised to return into England with all speed, humbly prays for leave to return home, leaving the government in the hands of Col. Peter Beckford, who has his Commission from the King to be L.G. upon the death or in the absence of Sir William Beeston. *Endorsed,* Recd. Oct. 23, Read Ditto, 25, 1699. *Copy.* [*Board of Trade.* Jamaica, 56. *pp.* 385, 386; *and* (*without covering letter*), 8. *No.* 135.]

Oct. 23.
Kensington.

883. Order of King in Council, that the Council of Trade and Plantations prepare drafts of a letter and instructions to Mr. Grey, with reference to his account of some French settling in Santa Lucia. The letter "to be in the same terms as was sent by the late King James to the then Governor of Barbados." *Signed,* John Povey. *Endorsed,* Recd. Oct. 26. Read Oct. 31, 1699. [*Board of Trade.* Barbados, 8. *No.* 21; *and* 44A. *pp.* 349, 350.]

Oct. 23.
Kensington.

884. Order of King in Council. A report from the Office of the Ordnance, together with an estimate of the value of stores desired for the supply of St. Christopher's Island amounting to £2,022 2*s.*, which the Principal Officers of the Ordnance are of opinion may be absolutely necessary for the service of the same, but cannot justify the supplying any of the Plantations with stores unless the office be reimbursed the charge by the island as usual, referred to the Council of Trade and Plantations to report upon. Their Lordships to be put in mind to report likewise their opinion upon what has been formerly referred to them relating to the providing stores of war for the several fortifications in the respective Plantations. *Signed,* John Povey. *Endorsed,* Recd. Read Oct. 25, 1699. *Enclosed,*

884. I. Report from the Office of the Ordnance. *See preceding abstract. Signed,* C. Musgrave, Ja. Lowther, Wm. Meesters, Wm. Boulter.

884. II. Estimate of the value of the stores demanded for St. Christopher's, *e.g.* 72 spades at 1*s.* 4*d.* each; 500 hand granades at 10*d.* each; 250 barrels of corne powder at 53*s.* a barrel; 6 drums at £1 each; 6 dark lanthornes at 2*s.* 9*d.* each; 112 handspikes at 1*s.* 2*d.* each; 25,000 flints at 10*s.* a thousand, &c. Oct. 3. *Signed,* C. Musgrave, Clerk of the Ordnance. [*Board of Trade.* Leeward Islands, 6. *Nos.* 42, 42I.-II.; *and* 46. *pp.* 3-6; *and* (*without enclosures*) Plantations General, 35. *pp.* 81, 82.]

Oct. 23.
Kensington.

885. Order of King in Council, referring the affair of Charles Goodman to the Council of Trade and Plantations, and enquiring

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how far the Act for regulating abuses in the Plantation Trade has been complied with as to H.M. approbation of Governors of Proprieties, and what is necessary to be done for enforcing that law. *Signed,* John Povey. *Endorsed,* Recd. Read Oct. 25, 1699. 1 *p.* *Enclosed,*

885. i. Extract of a presentment of the case of Mr. Goodman from the Commissioners of Customs to the Lords Commissioners of the Treasury. Aug. 21, 1699. ¾ *p.*

885. ii. Charles Goodman, Collector at Perth Amboy, to the Commissioners of Customs. I seized some bales landed from Capt. Shelley's ship in the house of Mathew Moore at Woodbridge. I secured them in the house of Mr. Richard Powell. About one in the morning the house was broke open by twenty persons disguised, armed with clubs, pallizadoes and other weapons of a prodigious bigness, myself threatened my life, and the goods forcibly carried away. *Signed,* Charles Goodman. 1½ *large pp.* [*Board of Trade.* Proprieties, 4. *Nos.* 15, 15i.-ii.; *and* (*first enclosure only*), 26. *pp.* 123, 124; *and* Plantations General, 35. *pp.* 83, 84.]

Oct. 23. **886.** Memoranda of above Orders of Council. Recd. Read Oct. 25, 1699. [*Board of Trade.* Plantations General, 5. *Nos.* 27, 27 i.]

Oct. 23. **887.** Governor Sir William Beeston to Council of Trade and Plantations. In my letter by the *Catherine* (by whom I sent the Laws) I acquainted you that the Assembly not being willing to settle the revenue I had prorogued them. By the unanimous advice of the Council I now intend to dissolve them. The usual sickness incident to this time of year for 9 or 10 years past has returned severely upon us, insomuch that not only the Scotch and others servants and free people are many of them dead, and not only them but many of those called the old Standers, so that the country is so reduced that there are not fitting men in any of the parishes to fill up the vacancies for Justices of the Peace and other civil and military officers, and the Scotch that came from Calidonia are so many dead that at last they are forced to lay up the *St. Andrew* for want of men to carry her away. It's not only here but in most parts of these Indies, the Spaniards have lost above 500 of the seamen and soldiers that came with the new Governor lately to Cartagena, and I hear that in Pensylvania they die 8 or 10 a day, so that unless healthy times return again there is little hopes or prospect of these places being ever well settled, for going into a battle is not so hazardous as for strangers to come into these parts, and this has lasted now about 10 years without any appearance of being better. The Council have desired me not to swear Mr. Allan Brodricke into the Attorney General's place until I receive further commands about it, and have given their exceptions to his ability and fitness for the employment, which I now lay by their desire before you, with their humble desire that you will be pleased so to represent it to His Majesty, as that some more fitting person may be put in that office, if it shall not please His Majesty to leave the putting in that office by the Governor and

Council as it was always heretofore, till Mr. Brodrick got the patent from England. Against the winter season is more over I will transmit the public accounts and other things necessary, which I am not so willing to send this time of the year, and with them what else may be necessary. *Signed*, Wm. Beeston. *Endorsed*, Recd. Read Jan. 8, 1699/1700. 1½ *pp.* *Enclosed*,

887. I. Exceptions of the Council to Mr. Allan Brodrick, being sworn Attorney General. He has no estate or freehold in the islands; has not sufficient knowledge of the law; he connived at his cousin Brodrick's going off, when he was in the Secretary's Office; it is probable his cousin may slide hither again, and then it's known he has such influence over him, that he will cause him to do what he pleases; it has been written from London that besides the money his friends gave to procure him this office, they or some of them are engaged to pay one Mrs. Lundy, who got it for him, £100 per annum, which is more than can honestly be made of it, with an indifferent maintenance for himself, without exaction like his cousin before him. [*Board of Trade.* Jamaica, 9. *Nos.* 5, 5 I.; *and* 56. *pp.* 414-418.]

Oct. 23. **888.** Minutes of Council of Massachusetts Bay. Proclamation ordered for a public Thanksgiving Day. Account for fitting out the *Province* galley, paid. Inhabitants of Barwick allowed £15 for the maintenance of Mr. John Wade, their minister. [*Board of Trade.* New England, 49. *p.* 253.]

Oct. 23. Whitehall. **889.** Journal of Council of Trade and Plantations. Upon consideration of Col. Nicholson's letter, July 1, the Secretary was ordered to enquire of the Master of the Mint (1) what is the fineness of our standard silver in the Mint and (2) what is the value of a pennyweight of standard silver in the Mint. Directions given for

Oct. 24. heads of instructions to be offered to H.M. as fit to be given to Col. Nicholson with regard to the lands in Pamunkey Neck, etc.

Oct. 25. Letter from Mr. Secretary Vernon, Oct. 22, read.

Order of Council, Aug. 22, upon a petition of Mr. Isaac Richier, read. Representation ordered.

Order of Council, Oct. 23, about a seizure of goods at Perth Amboy etc., read. Letter to Mr. Dockwra and Mr. Thornburgh, ordered.

Order of Council, Oct. 23, about stores of war for the Plantations, read.

Mr. Mears (June 23, Oct. 12) attended and, pressing for a speedy resolution because of a ship just now sailing to Bermuda, and offering to give £1,000 security to answer H.M. determination in Council upon Mr. Day's pretence, their Lordships signed a letter recommending release of the *Dolphin*.

Capt. Lilly laid before the Board a description of the fortifications of Jamaica, and Mr. Heathcote suggested that the cause of Sir W. Beeston's uneasiness proceeds rather from the shortness of his allowance, which as L.G. is but £1,000, than from any real want of health, and therefore desired their Lordships' favourable report that he may have the whole salary of a Governor, £2,000, allowed him. [*Board of Trade.* Journal, 12. *pp.* 218-223; *and* 96. *Nos.* 166-168.]

1699.
Oct. 24.
Boston.

890. Governor the Earl of Bellomont to the Council of Trade and Plantations. I have prorogued the General Assembly till Dec. 6 in expectation of receiving your orders by that time, whether to press the passing of the Bill for punishing pirates. The Marchands of this town have petitioned that the man-of-war that's here might convoy their ships this winter to Saltertudos, where the salt ships have been constantly robbed these two or three winters past. Capt. Crow, who commands the frigate, tells me if I positively command him he will go, but does not think the orders sent by the Admiralty will bear him and me out in that voyage. They are not large enough. I wish there were new ones sent leaving me to my liberty to send and dispose of the two ships (at New York and here) where I think fit for the King's service. I brought orders from the Admiralty from England to send the two ships every winter to Saltertudos to convoy the ships of each place, the ship from hence also to convoy the Barbados salt-ships and that from New York those of the Leeward Islands. There is as much reason for it now as there was then, and they are more serviceable for the King so, than in being laid up all winter. If I had a 4th rate here and a 5th rate at New York I could secure this whole coast from the easternmost point of my Government to the southernmost of Carolina, provided the Governors will be honest, and that without putting the King to further charge. A 6th rate such as is lately come to N. York is not able to fight one of the pirate ships, which carries often 30 guns and 150 men. Besides I am told that frigate would not live in these seas in the winter. Capt. Crow is of opinion the guarding the coast with two ships is faisible enough, especially if each ship had a light armed to send into the creeks, which could be cheaply kept. I would man 'em chiefly with soldiers from N. York. About three weeks since we seized a ship and some East India goods here. The officers of the Custom House were not nimble enough or we had got all the goods, worth above £2,000. That which gave us a jealousy of the ship was that William Symes, the master, went hence in poor circumstances and came back master and half owner of this ship. He was formerly burnt in the hand in this town for stealing. He said that being with his sloop at Crab Island (a maroon island 60 leagues S. of Curaçao), he met Tempest Rogers, master of the *Fidelia* of London, who trucked her for his sloop. I fancied at first he had murdered Rogers and run away with his ship. Mr. Secretary Addington and I examined him and his men severally, but could discover nothing. Three or four days after, the master of a sloop from Providence told me that Mr. Elding, chief in command there since Col. Webb's coming away, had seized Rogers and his sloop with goods and money of a considerable value upon his going in thither. We believe here that Rogers or Symes, or both, were on board the *Quidah Merchand*, which Kidd had left at Hispaniola, and there got their loading of East India goods, Crab Island being very near the place where the *Quidah Merchand* lay before she was burnt. You will observe that in Symes' examination he says that Rogers told him he had remitted £27,000 to his owners in England in good bills of exchange. I send the certificate of the register of the *Fidelia*, which will show who the owners are. Tempest Rogers,

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it's to be feared, was not sent from London on an honest design. I hear he was at Rhode Island and sailed thence to Madagascar in company of one Tho. Wake, a pirate. I am informing myself at Rhode Island about it. Perhaps you will see cause to examine the owners. The deposition of Mr. Pain, deputy collector, shows that Symes discovered to him goods different in quantity from what Symes declared in his deposition enclosed. I suspect there is some roguery in this importation of E. India goods by Symes, which I hope to find out in a little time. There being sufficient cause to believe he came not honestly by 'em, I directed Mr. Secretary to require bail of him in £1,000, which he not finding, he is committed to gaol. The sloop that received the goods from the *Fidelia* is on a coasting voyage and shall be seized at her return. I writ your Lordships (July 26) that I sent the sloop *Antonio* to Antegoa in quest of Bolton and Burt, and to try if any of the goods that Kidd left in the *Quidah Merchant* could be retrieved. Col. Yemans, Lt. Gov. of Antegoa, sent me two letters in reply to mine. Copies enclosed. The master of the Sloop was forced to hasten away from Antegoa, or the sloop had been seized by some persons who pretended themselves part owners of her with Bolton, who they said had no power to sell her to Kidd. I have taken a great deal of pains to have right done to Capt. Gullock, but have not been able to get the Council to join with me in ordering all the money to be paid to him that was seized with Bradish and his accomplices. Several rewards they would have the persons to receive that found and kept the money; I made a shift to bring it down to a pretty moderate sum. But that which I cannot bear at their hands (and which I tell 'em will be an eternal dishonour to their Province), is their deducting a £150 out of the money to pay for the diet of the pirates since their being in gaol. I appointed three gentlemen of the Council to receive the money and goods and make up an exact account, which goes. They have paid all into the hands of Capt. Gullock who is gone to Rhode Island to receive what money is in the hands of Gov. Cranston. Thence he will go to receive the money Gov. Winthrop has seized in Connecticut colony. The £942 19*s*. 3*d*. which fell into my hands at New York is there paid by Capt. Gullock's order to Mr. John Morris, a marchand, and the bag of jewels I delivered him, which he owns to be all there except a ring with seven small diamonds which I think Lt.-Col. Peirson told me Bradish wore it on his finger. There is news brought me that Joseph Bradish and Tee Wetherley are retaken and brought to Saco fort in the Province of Mayn. I formerly writ to the Governors of Canada and St. Johns to take those two men and send them to me. I also employed the Indian Sachem, Essacambuit, who came hither about three months ago to make a submission to H.M. and promise the same on behalf of the Kenebeck Indians, promising him 200 pieces of eight for Bradish and 100 for Wetherley, and the reward has prevailed, I suppose, more than affection or principle. 'Tis Essacambuit that has taken them. I hope the owners in London will consent to allow this reward out of their money that has been seized here. Otherwise I must pay it out of my own pocket. When Capt. Kidd was committed to gaol, there was also a pirate committed who goes by the name of Capt. Davies,

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that came passenger with Kidd from Madagascar. I suppose him to be that Capt. Davies that Dampiere and Wafer speak of, in their printed relations or voyages, for an extraordinary stout man; but let him be as stout as he will, here he is a prisoner, and shall be forthcoming upon the order I receive from England concerning Kidd.

When I was at Rhode Island there was one Palmer, a pirate, that was out upon bail, for they cannot be persuaded to keep a pirate there in gaol, they love 'em too well. He went out with Kidd from London and forsook him at Madagascar to go on board the *Mocha* frigate, where he was a considerable time, committing several robberies with the rest of the pirates in that ship and was brought home by Shelley of New York. I asked Gov. Cranston how he could answer the taking bail for him, when he had received so strict orders from Mr. Secretary Vernon to seize and secure Kidd and his associates with their effects. I desired Col. Sanford, Judge of the Admiralty in Rhode Island, to examine Palmer on oath. I enclose his examination, where your Lordships may please to observe that he accuses Kidd of murdering his gunner, which I never heard before. While I was at Rhode Island I sent for one Pain, a pirate that has bought an estate in Connecticut Island, under the Government of Rhode Island, and has lived there some years; hearing that he had been on board Kidd's sloop, while he lay at anchor by Rhode Island, and it being reported that Kidd had left some goods and treasure with him, I told him he must be examined on oath what he knew of Kidd and had received of him. He told me three or four several times he would not swear on any account whatsoever. I told him he must then go to gaol, and he swore that Kidd had delivered no goods or treasure to him, but everybody that was present took notice that his behaviour was extremely disordered and I fancy believed as well as I that he did not swear nice truth.

There is a great complaint here as well as at New York of want of trade at this time. Here are at least 70 sail of ships that know not how to employ themselves. The ships of this place and N. York used to be carriers for the Sugar Islands to England, and also of tobacco from Virginia and Maryland to England; and this year's crops of both kinds have failed. We have made a small seizure last week of nine half casks of sherry in this town. I received a letter about 3 weeks ago from the Lords Justices (July 25) wherein they find fault that there is not that assistance given to the officers of the Admiralty and Customs by the several Governors that there ought to be. If I did not know that I have performed my duty with great integrity and diligence, I would long since have resigned my Commissions. No man, I am confident, will say that I have not given all imaginable countenance to those officers. I hope the Lords Justices intended that letter more as a caution to me than reproof. The Collectors in my Government surely cannot complain of me, because I have just cause to complain of them. Mr. Brenton, Collector of this Province, N. Hampshire and Rhode Island, has been gone this twelvemoneth and was in England, I am told, once before for three years together. Mr. Weaver too, the present Collector of N. York, loiters in England. I desire your Lordships will please to order them both to their posts. *Signed*, Bellomont. *P.S.*

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Oct. 26.

Bradish and Wetherley are brought prisoners to town and recommitted to gaol. I have ordered 'em to be well secured with irons. Essacambuit has received the 300 pieces of eight I promised him. Capt. Carey, commander of the *Antonio*, is newly returned without the least success. He has brought answers from the Governors of St. Thomas' Island, Curaçao and Jamaica (enclosed). In that from the Governor of St. Thomas' the juggle is very evident. Burk the Irishman, who received great part of the goods piratically taken by Kidd, will not be parted with, I perceive, being enriched with Kidd's spoils, he has purchased, 'tis to be presumed, that Governor's protection. (I called him Burt, July 26, by mistake.) Col. Yemans, L.G. of Antegoa, gives a character of him in his letter of the 3rd. of last month, enclosed. I hope the King will resent this unfair behaviour of the Governor of St. Thomas', and will take such a course as that Burk may be delivered up to justice. Otherwise that island may become a sanctuary for all H.M. subjects that will turn pirates. The Governor of Curaçao pretends great innocence or ignorance, though I am advised by all hands there never was anything of that kind so publicly managed as the sale of Kidd's spoils there. I hope the King will require satisfaction for the wrong done him by the Governor of Curaçao in abetting piracy. I make no manner of doubt but it may be proved that several sloops were openly sent to take goods from on board the *Quidah Marchand* which returned full laden to Curaçao, and I am as sure that Kidd was known all the West Indies over to have turned pirate.

I desire your Lordships will take notice of the affront mentioned in Sir William Beeston's letter to be done to me by Capt. Mitchel, Commander of the *Falmouth*, in Rear-Admiral Bembo's squadron, by taking down the colours, which Capt. Carey carried on the *St. Antonio* by virtue of my commission, and Capt. Carey with the said sloop actually employed in the King's service. I am declared Vice-Admiral of these seas, and if I cannot be allowed to protect a ship I send to sea on H.M. service in so small a point of honour, 'tis hard. If there was any offence in Capt. Cary's wearing colours or a penant in harbour at Jamaica, one would think Sir William Beeston should resent it. It seems Rear-Admiral Bembo was gone to sea, and Mitchel, a new captain, resolved to exercise a new power that did not belong to him. For Capt. Carey assures me he sailed two or three days in company with the *Speedwell* and another of H.M. frigates [This was the *Queenborough.—Ed.*], whose captains required a sight of his commission, and did not trouble him any further. I hope your Lordships will please to take care that Capt. Mitchell be made an example of for his ignorance and impertinence.

I am under much difficulty about the fees of a Naval Officer, which the Act of Assembly has reduced so very low that I do not think all the fees will amount to £40 a year in this place where there is so considerable a trade. I can get nobody to accept of the place that is honest and able to find security. For me to hire an officer would be a charge that I am not obliged to, neither would it square with the Act of Parliament or the Instructions of the Commissioners of Customs, which require good security to be taken by the Governor. The people here are all envious of such an

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officer, whose business it is to watch their trade, and curtail their fees to discourage 'em. Here is one Mr. Shannon that's well recommended to me for Naval Officer and can have good security in £2,000, if the place were worth his acceptance. I desire your Lordships will direct what I shall do. Besides we are to seek, both here and at New York, what is the proper business of the Naval Officer, the Collectors endeavouring to invade the business of the Naval Officer, that they might be entitled to the more fees. The Naval Officer at N. York also writes to me that he is not able to hold that employment, the Assembly having the last Session addressed me that I, with the Council, would cut off one third of the fees which the Collector and Naval Officer before received, which we were forced to do or I had lost the Revenue Bill. The business of a Naval Officer employs a man's whole time, and 'tis somewhat difficult and intricate to perform it well, therefore the perquisites ought to be competent for the encouragement and reward of an honest man and of a man of capacity. I believe the fees of the Naval Officer of N. York did arise to £80 a year and now they are but a small matter above £50, which in N. York money is not sufficient recompense.

Here are a multitude of petitions from the poor Indians of this Province, complaining of their being unjustly deprived of their lands. I give 'em the hearing, but am not able to relieve 'em, for should I apply to the Council or House of Representatives in their behalf, they are parties either for themselves or their friends, and 'tis a great scandal to our religion and nation that justice is not done to these poor creatures. The *Fidelia* and goods were condemned yesterday in the Admiralty Court. *Signed*, Bellomont. Col. Romer is newly returned from viewing the Eastern Coast as far as the river of St. George. I shall shortly send his journal and the maps he has begun to draw of the rivers and places proper for forts. I send the petition of several persons in Rhode Island for a Church of England minister and a yearly settled maintenance for one. I hope your Lordships will please to patronise so good a design and will obtain His Majesty's allowance of a complete maintenance for such a minister. It will be a means, I hope, to reform the lives of the people and make good Christians of 'em, who at present are all in darkness. I also send the letters of the Governors of Curaçao and St. Thomas' in Dutch. Mr. Jacob Leisler, who copied them, is able to prove they are true copies. He goes over in this ship. *Holograph.* 8 *pp.* *Endorsed*, Recd. Jan. 5. Read Feb. 1, 2, $\frac{1699}{1700}$. *Enclosed*,

890. I. Abstract of above. 3 *pp.*

890. II. Lord Bellomont's proclamation proroguing the Assembly of the Massachusetts Bay. Boston, Oct. 9, 1699. *Copy.* 1 *p.* Printed by Bartholomew Green and John Allen. *Endorsed*, Recd. Jan. 5, $\frac{1699}{1700}$.

890. III. Petition of sundry merchants in Boston that Capt. Crow, H.M.S. *Arundel*, may convoy their ships to Saltertudos. *Signed*, John Foster, Em. Hutchinson, Tho. Palmer, Benj. Gallop, Saml. Phillips, Timothy Clarke, Jno. Eyre, Andr. Belcher, Robert Howard, Wm. Harris, Saml. Legg, Tho. Cooper, Samuel Lillie, John Colman, Giles Dyer, William Clark. 1 *p.* *Same endorsement.*

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890. iv. Examinations and depositions of Daniel Fare, John Bennet and of Thomas Staton, seamen of the *Fidelia*, who sailed on the *Swan* sloop from Curaçao, William Syms, Master. At Crabb Island Syms disposed of his sloop and purchased the *Fidelia*. Boston, Oct. 11, 1699. *Copy.* 3 *pp.* *Same endorsement.*

890. v. Examination of William Syms, master of the *Fidelia*. An account of how he came by her and of the goods he brought to Boston in her. Boston, Oct. 22, 1699. *Copy.* 1½ *pp.* *Same endorsement.*

890. vi. Copy of the Register of the *Fidelia*. Custom House, London, Dec. 10, 1697. Tempest Rogers, Christopher Billop, John Trott and Charles Noden, owners. ½ *p.* *Same endorsement.*

890. vii. Inventory of goods seized, unlawfully imported by William Symes, Sept. 24, 1699. *Copy.* ½ *p.* *Same endorsement.*

890. viii. Deposition of Wm. Payne, Dep. Collector, Boston, October 21, 1699. William Symes stated that the *Fidelia* brought 22 bales of East India goods with her, which he lawfully bought, and landed in the bay. *Copy.* ¾ *p.* *Same endorsement.*

890. ix. John Yeamans to Lord Bellomont. Antego, Sep. 1, '99. In reply to yours of July 26 concerning Boulton, he has not been amongst the Leeward Islands these several months. The sloop you sent was claimed by some as part owners but, since it was your Excellency's express, I permitted her to pursue your commands. I directed Mr. Carey to call at Nevis, where I believe he would have better information. *Copy.* 1 *p.* *Same endorsement.*

890. x. John Yeamans to Lord Bellomont. Antego, Sep. 3, '99. Two sloops from the Virgin Islands arrived who aver Kidd's ship was burnt and Boulton was at Curaçao some weeks past and had disposed of a great parcel of merchandize. He was very shy and would not come into any English Government. Burke lives at St. Thomas', but is fearful to shew himself in this island, by reason that he deserted us and went to Martinico amongst the French in time of war. *Copy.* ¾ *p.* *Same endorsement.*

890. xi. Account of the money and goods of the *Adventure* (Capt. Gullock) seized in the hands of Joseph Bradish, etc., Boston, Oct. 7, 1699. *Signed,* Sam. Sewall, John Walley, Nathaniel Byfield. *Same endorsement.* 5 *pp.*

890. xii. Deposition of Joseph Palmer. Newport, Rhode Island, July 29, 1699. Deponent sailed with Capt. Kidd from England to Madigascar, where, the *Adventure* being much worm-eaten and disabled for war, and Capt. Kidd and his Company having some difference, about half or more of his men left him with the great prize. It was said that some of Kidd's men broke open his chest, and Kidd in a passion struck his gunner with an iron-bound bucket,

which blow he lived not above 24 hours after. *Copy.* 2 *pp.* *Same endorsement.*

890. xiii. Governor of St. Thomas' to Lord Bellomont. In reply to your enquiries of July 26, Wm. Kidd called here and on my refusing him assurance that I would not deliver him to any ships of H.M. of Great Britain which might come to demand him, sailed hence. Since then I have been informed he lay at anchor near the Island Moon and that one Bolton of Antego had been with him to trade. Afterwards came from Barbados one Wm. Burke of whom I had no suspicion, who, in the night landed some goods, which he had sold to the Elector of Brandenburgh's Company and which I could not come at, because the Brandenburgh Company have their own judicature and privilege here. I made Mr. Burke give security. He returned from Barbados with a recommendation from Governor Grey and continues here in the Brandenburgh's lodgings. No subject of the King of Denmark has traded with Kidd. I have given good orders to prevent it. *Signed*, J. Lorents. St. Thomas', Sept. 1, 1699. *Dutch.* 2¼ *pp.*

890. xiv. Translation of preceding letter. 1½ *pp.* *Endorsed*, Recd. Jan. 5, $\frac{1699}{1700}$.

890. xv. Governor Sir Wm. Beeston to Lord Bellomont. I have used my endeavours to secure Kid and all others. I believe there are none of his goods here, nor have I had the least occasion to guess that any have been brought hither. When Capt. Carey came into this harbour, Capt. Tho. Mitchell, commander of the *Falmouth*, ordered his colours to be taken down. This arises from a mistaken notion of Re.-Adl. Benbow, who believes no Governor has power to grant any commission whilst he is here. About this he and I have had several disputes. They have got in such a notion of the authority of the Admiralty that they slight and despise all other. In returning the salute of some Scotch ships (the *St. Andrew*) yesterday 18 barrels of powder blew up and much damaged the fort. I hear there is a ship at Rhode Island that was run away with from the East Indies belonging to Mr. Gilbt. Hethcott. If your Excellency can secure it, it will be a great obligation. Jamaica, Sept. 23, 1699. *Copy.* 1¾ *pp.* *Same endorsement.*

890. xvi. Governor of Curaçao to Lord Bellomont. I am of opinion there are none of Wm. Kidd's goods or people upon the island. I instructed Capt. Nath. Carey to make search. The Secretary, Wm. Lamont, and Walt. Gribble, merchant in this place, declare that they know nothing of the matter. *Signed*, B. Beruagis. Curaçao, Sept. 26, 1699. 2 *pp.* *Dutch.*

890. xvii. Translation of preceding letter. 1 *p.* *Endorsed*, Recd. Jan. 5, $\frac{1699}{1700}$.

890. xviii. Copy of the Journal of Capt. Carey, on his voyage in the *Antonio* to several islands in quest of Bolton, Burk, and Kidd's plunder. Boston, Oct. 26, 1699. 3 *pp.* *Same endorsement.*

890. xix. Copy of a petition for a Minister of the Church of England to be established in Rhode Island. *Signed*, Gabriel Bernon, Piere Bisroull, Thomas ffox, George Cuttler, Wm. Pease, Edwin Carter, Wm. Brinley, Isaac Martindale, Robt. Gardiner, Tho. Paine, Thomas Mallett, Robt. Wrightington, Fra. Pope, Antho. Blount, Richard Newland, Thomas Lillibridge. 1 *p.* *Same endorsement.*

890. xx. Lord Bellomont to the Commissioners of Customs. Boston, Oct. 27, 1699. When I was at Piscattaway Mr. Mountesse, a marchand, petitioned against Col. Allen, the late Governor, and Mr. Sampson Sheafe, the Dep. Collector, for unjustly seizing a ship of his and embezzling part of the cargo. I send you the papers of both parties and submit the matter to your determination. Mr. Mountesse is ruined and the place much prejudiced in its trade by that seizure. *Repeats substance of his letter to the Council of Trade, Oct.* 24, *about Naval Officers.* If you will be pleased to send a right honest and sensible man to be Comptroller of the Customs at N. York, I will make him Naval Officer, if you approve. I would gladly have such a man as will be fit to be a member of H.M. Council. Let him bring the King's letter with him to be sworn of the Council. I covet to have gentlemen from England to be in employments and of the Council of New York to balance those of the country, who have interests to manage that do not always square with the interest of England. I am mightily in want of good officers at New York. There have been many seizures there and we have lost $\frac{3}{4}$ of 'em for want of an honest, able Judge and Attorney-General. If I cannot be enabled to put the administration of Justice on a better foot I must resign my Commissions. Please to let me know how the law stands about informations concerning unlawful ships and goods. The Collector at N. York pretends to the sole right of informing in those cases and consequently to be entitled to a third part of the forfeitures—a great discouragement to other discoveries that would be made. I send you the Collector's and Naval Officer's lists of ships cleared from N. York. I enclose the petition of William Hill and Henry Francklyn, Deputy Searchers, for a larger salary, which is at present but £30. £40 this money is but £28 English. I hope you will add £10 a year a piece to their salary and consent to their petition that two more searchers be added, it being impossible for two men to watch the trade of this great port. *Signed*, Bellomont. *Copy.* 3 *pp.*

890. xxi. Copy of petition referred to in preceding letter (xx). 1 *p.* *Endorsed*, Recd. Jan. 5, $\frac{1699}{1700}$.

890. xxii. Lord Bellomont to the Lords of the Admiralty. Boston, Oct. 27, 1699. Capt. Crow, commander of the *Arundel* frigate, arrived here Sept. 27. I sent him on a cruise to look after a pirate ship, whereof Hine, of N. York, was commander, but since, John James, a Welchman, has commanded, Hine with some others having been put on shore on a maroon island. The ship had infested the Eastern Coast a long while, but she was gone before Capt. Crow could overtake her. The *Newport* frigate arrived Oct. 12, but in going into Sandy Hook had like to be lost, having stuck some hours on a sand, and that by the ignorance or knavery of a pilot. She was got off with the loss of six of her guns and sheet anchor. I could wish you had given me a greater latitude in the orders you have sent with Capts. Crow and Morris, that I might dispose of the ships as I should think proper for the King's service. Capt. Crow is of opinion your orders will not justify my sending the *Arundel* about the middle of Dec. to convoy the ships to Saltertudos, but says, if I will positively order him, he will go. The reasons for sending both the ships there every winter are that in winter no pirate ships come on the coast, but may very probably be caught there, whilst if the ships are laid up here, they lose their men. When I left England my orders from you were to send the *Deptford* and *Fowey* frigates every winter upon that service. If there was reason then there is now. Please to give me larger orders and let the next ships you send be a 4th rate for this place and a 5th rate for N. York and good sailers. (Repeats *former arguments for so doing; ends by restating the case of Capt. Carey and Capt. Mitchell, asking that the latter might be made an example of.*) "If Rear-Admiral Bembo had been there I am persuaded he would not have offered me any affront." *Signed*, Bellomont. *Copy.* 2¼ *pp. Same endorsement.*

890. xxiii. Bill of lading and orders for a voyage to the West Indies, of the sloop *Society*. *Signed*, Joseph Lord, Master. Bristol in New England. Sep. 21, 1699. *Copy.* ¾ *p.* [*Board of Trade.* New England, 9. *Nos.* 73, 73 i.—73 xxiii.; *and* (*without enclosures*) 37. *pp.* 271—295.]

Oct. 24. **891**. Minutes of Council of Virginia. Proclamations against entertaining Indians and for holding all General Courts and Assemblies after May 10 at the City of Williamsburgh. The Commanders-in-Chief of the Militia ordered to give notice to their men to provide themselves with arms on pain of being fined as the law directs. Mr. Secretary Wormley excused himself from attending owing to sickness. Col. Robert Carter appointed Naval Officer of Rappanock River. A suit between Nathaniel Macclanahan and William Bray depending on the settlement of the bounds of North Carolina and Virginia, the former ordered to prove his debt and the

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latter to give security to pay it, if the place in question (Crow Island) falls within this Government.

Oct. 25. Capt. Aldred attended and was informed that the methods of victualling his ship which gave offence were, his keeping stores in several parts of the country and neglecting the King's service; the ship's lying too long in James River and not going out to cruize according to order; employing the men and boats half the year from the ship on pretence of victualling; the captain, officers and seamen very often lodging on shore and neglecting their duty on board; the seamen being sent about the country at great distances from the ship, causing great complaints of thefts committed by them. The Governor expected an alteration in these methods and required Aldred to see that his ship was provided with a gunner. The Governor promised to supply her with everything necessary to fit her for service, and she was ordered into Elizabeth River for repairs. Capt. Aldred to give an account of all his proceedings since last Christmas. Petition of Edward Jennings, Thomas Bray, Job Hows, Henry Nelson, devisees of Thomas Nelson, about their lands in Pamunkey Neck, recommended to the Committee of Claims. Col. Richard Lee added, as a reason for sending a ship of force to guard the coast, that no ship is capable of doing much service if she is not big enough to cruize in the Bay of Chesapeake all the winter, that being the principal time for detecting illegal traders. Ordered that Collectors and Naval Officers execute the office of Notary Public as to what relates to maritime affairs. Standing order that the Council sit two days before and after every General Court and audit be held every second and third day of every General Court. [*Board of Trade.* Virginia, 53. *pp.* 339-348.]

Oct. 25. **892.** William Popple to Wm. Dockwra. The Lords Commissioners for Trade and Plantations desire you to inform them what has been done in the matter of H.M. approbation of the Governors of East and West New Jersey; how those governments stand, and in whose hands the administration thereof lies.

893. William Popple to Wm. Thornburgh. Similar enquiries about Carolina and the Bahamas. [*Board of Trade.* Proprieties, 26. *pp.* 124, 125.]

Oct. 25.
Boston.

894. Governor the Earl of Bellomont to the Council of Trade and Plantations. I send a parcel of papers delivered me at Pescattaway by Mr. Mountesse, a marchand, and among them his petition setting forth the great damage he sustained by Col. Allen, the late Governor, and Mr. Sheaf, the Deputy Collector's seizing his ship and their embezzling great part of the cargo. I thought it fair to give Mr. Sheaf a copy and enclose his answer. I do not pretend to say which of 'em is in the wrong. I formerly acquainted you that I called on Mr. Bridger for an account of the money he had drawn on the Navy Board. He told me I should see his account, but went to Pescattaway and took no care to send it. I wrote to Mr. Partridge to tax him with breach of promise; he answered that I had nothing to do with it and that he was only accountable to the Commissioners of the Navy. My only end was to inform you how

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that matter of specimens of ship timber for England stood. Upon his coming to this town I sent for him and told him so. He told me he would show me the account of money he had drawn, but for a particular account how he had expended it, he feared the Commissioners of the Navy would be angry should he part with that to anybody besides themselves. The general account he gave me on a little scrip of paper amounted to £1,010 18*s*. Besides this there is £1,000 paid to the four purveyors before they left England, £450 for the hire of a ship to carry specimens of ship-timber from Pescattaway to England; £250 a year apiece on which the Purveyors reckon for their salaries, two years due; = £4,460 18*s*. for the specimens worth £150, to judge from a cargo of ship's timber recently shipped from Pescattaway to Portugal by Mr. Partridge. I do not all this while accuse the Purveyors of dishonesty, but things have so fallen out as to make the business they are employed in chargeable to the King; as first, a certain gentleman's getting an order from the Admiralty for their passage in H.M.S. *Deptford* to N. York. She was forced to bear away to Barbados, and the Purveyors thereby lost a year; whereas the two stout marchand-ships bound directly to this place arrived in 28 days. To save the Purveyors £8 a piece cost the King just £1,000 extraordinarily. Besides, one honest Purveyor would serve instead of four.

At Pescattaway I made it my business to inform myself about ship-timber of all sorts, especially about masts for the King's ships, and have made some discoveries which will be for the King's service, but I can unfold that mystery at my leisure, for Mr. Taylor, as Mr. Bridger tells me, has had the King under contract for masts for a term of years, of which there is still one unexpired. Everybody was upon the reserve that understood those things, but by degrees I got into the secret.

Since my letter of Oct. 20, I have found out a man that had lived in Carolina and was concerned in making pitch and tar. From him I have discovered that tar will be much cheaplier made than I thought for. Some merchants in this town tell me they buy their tar in Carolina 7 shillings a barrel including 2*s*. 6*d*. for the barrel; pitch, they say, sells in Carolina for 12*s*. per cwt., which is dear out of proportion, for they make a barrel of pitch out of a barrel and a half of tar. But perhaps it may be best to send all tar into England and let it be manufactured there into pitch. I am for parting with as few people out of England as may be, and the more hands we employ there, the more people we shall keep at home. Casks will be had cheaper than I writ April 17, for barrels of oak timber cost 3*s*. 6*d*. but of pine wood 2*s*. 6d. A marchand in this town, who passes for a very honest, intelligent man, assures me that during the war, when neither tar nor pitch was to be had in this town, he used turpentine to a ship of his, which he sent southwards and found it had as good effect as pitch or tar, boiling it to the same consistence that tar usually is; to prevent worms eating his ship's bottom, he had her paid, as they call it, with turpentine mixed with brimstone, and it resisted the worm extremely well, and his ship after a long voyage returned home staunch and sound, the paying sticking on beyond expectation. A shipbuilder in England would probably laugh at this, though he had never made the experiment, for those mechanics are commonly pedantic in their way, being wedded to their own customs in things. I hope my projects of employing soldiers in making Naval Stores will be pleasing to your Lordships, and the distribution of unappropriated lands (Oct. 20) and the making a purse for them. This last is the life and soul of all the scheme. As little a matter as 12*d.* per week set apart out of each soldier's pay appears to be, I would undertake to pay every man of 'em £40 at the 7 years' end, were I sure to continue Governor so long, and unless some contagious sickness happened, and to keep the 1,000 men complete out of that money without putting the King to any charge for recruits. If this design of furnishing the King with Naval Stores be vigorously carried on, I am morally certain it will fully answer your wishes and will add infinitely to the greatness and happiness of the King and the English nation. I find Mr. Partridge and Mr. Jackson have ploughed with my heifer, proposing the employment of soldiers in N. Hampshire and giving them lands to the eastward to settle on. That part of their scheme they had from me, but when I asked 'em, what contrivance they had to make a poor soldier the richer for having 40 or 50 acres of land allotted him, when he had not 1*s.* in the world to lay out on the improvement of his land, they were dumb, till I told 'em the last part of my proposition, the setting apart 12*d.* a week out of each soldier's pay, which they seemed to like. I send the printed Acts of Assembly, which were passed when I was in N. Hampshire. *Signed,* Bellomont. *Endorsed,* Recd. Jan. 5. Read Feb. 13, $\frac{1699}{1700}$. *Holograph.* $3\frac{3}{4}$ *pp.* *Enclosed,*

894. I. Abstract of preceding letter. 1 *p.*

894. II. Memorandum of papers relating to the case of the *Hopewell,* Montais *v.* Sheaf. $\frac{1}{2}$ *p.* Recd. Jan. 5, $\frac{1699}{1700}$.

894. III. Certificate of goods shipped on board the *Hopewell,* Jersey, Ap. 9, 1698. *Signed,* Charles Hughs, Surveyor and Register. *Copy.* $\frac{1}{2}$ *p.*

894. IV. Sampson Sheafe's letter to Capt. Daniel Tilton. The Court of Pleas, which should be held to-morrow, is adjourned, wherefore you may forbear coming, keeping secret what I write you. Newcastle, Dec. 6, 1698. $\frac{1}{4}$ *p.* *Copy.*

894. V. Col. Joseph Johnson's pass from Jersey to the sailors and passengers of the *Hopewell* for New England. Ap. 3, 1698. *Copy.* $\frac{1}{2}$ *p.*

894. VI. Deposition of Joseph Jewell, taken before Nathaniel Fryer, J.P., Newcastle, Nov. 18, 1698, about the *Hopewell* being seized. *Copy.* $\frac{1}{2}$ *p.*

894. VII. Deposition of Robert Smith, Jan. 17, 1699. Daniel Carigan, servant to Samuel Allen, sold 6 elephants' teeth for 24*s.* to one going in the *Hopewell* for England. *Copy.* $\frac{1}{2}$ *p.*

894. VIII. Copy of the freedom of the *Hopewell.* June 16, 1697. $1\frac{1}{4}$ *pp.*

894. IX. Certificate of Francis Watts, agent for prizes in Jersey, as to the sale of the *St. Jacob,* now called the *Hopewell.* March 11, 1697. *Copy.* $\frac{1}{2}$ *pp.*

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894. x. Copy of Sampson Sheafe's information against the *Hopewell*, Portsmouth, New Hampshire, Dec. 7, 1698. 1½ *pp.*

894. xi. Judgment of Court of Common Pleas, Portsmouth, March 8th, 1699, about the *Hopewell*. 1½ *pp.*

894. xii. Judgment of Court (same date) that the *Hopewell* be redelivered. 1½ *pp.*

894. xiii. Judgment of Court (same date). 1 *p.*

894. xiv. Judgment of Court (same date). 1 *p.*

894. xv. Copy of Sampson Sheafe's information against the *Hopewell*. Dec. 7, 1698. 2 *pp.*

894. xvi. Copy of Sheafe's information against the *Hopewell*. Dec. 7, 1698. 2 *pp.*

894. xvii. Copy of petition of James Mountais to the Earl of Bellomont, Aug. 15, 1699. In March, 1697, Petitioner, Mr. Elias de Holmes and others of Jersey Island purchased of Capt. Daniel Javerin, late commander of an English privateer, the *Carteret* galley, a small ship Danish built, formerly called the *St. Jacob* of Morlaix, since the *Hopewell* of Jersey, which had been legally condemned. The owners loaded her with haberdashery for the Western Islands, Isaac Poindexter, master. Petitioner sailed April, 1698, for Treceras and St. George's, where with his cargo of stockings, etc., he purchased 62 pipes of wine. In the road of St. George's he saved some cargo from the *Postilion* of London lately arrived from Guinea, which sank at anchor. This cargo, including 103 elephants' teeth, he brought to Piscataqua, where he wanted wood, water and provisions, and though he might well put into any port of H.M. dominions, and there remain 24 hours without entry, yet within 18 hours, Mr. Sampson Sheafe, Dep. Collector, and Thomas Allen, son of Gov. Allen, seized her by the Governor's order. Gov. Allen used many illegal devices to defer trial, and meantime frequently threatened to knock out his brains. The ship and cargo, incomplete and much damnified, were at length restored to him. Petitioner prays for complete restitution. 3 *pp.*

894. xviii. Copy of Instructions of the Commissioners for Prizes for sale of goods taken in the *St. Jacob*. Prize Office, Westminster, Jan. 16, 1696. 1 *p.*

894. xix. Copy of deposition of Daniel Januerin, Salem, New England, March 3, 1699. 1 *p.*

894. xx. Copy of deposition of Isaac Poindextre, Dec. 14, 1698. ¾ *p.*

894. xxi. Order of Council for holding a Special Court at Portsmouth, Jan. 3, 1699. 1¼ *pp.*

894. xxii. Depositions of Philip Le Bosquet and George Chevalier, Nov. 23, 1698.

894. xxiii. Copy of proceedings of Court of Common Pleas, Portsmouth, March 8, 1699. 1 *p.*

894. xxiv. Sampson Sheafe to Lord Bellomont, Newcastle, Oct. 5, 1699, petitioning for salary, the appointment of his son as Dep. Collector during his absence in England, and enclosing xxv. 1¼ *pp.*

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894. xxv. Answer of Sampson Sheafe to James Mounteais' false but subtle pretences. $7\frac{1}{4}$ *pp.*

894. xxvi. Copy of proceedings of Court, Portsmouth, March 8, 1699. 1 *p.*

894. xxvii. Copy of proceedings of Court, Portsmouth, March 8, 1699. $1\frac{1}{2}$ *pp.*

894. xxviii. Copy of protest of Sampson Sheafe, Portsmouth, June 16, 1699. $2\frac{1}{4}$ *pp.*

894. xxix. Mr. Bridger's account of money spent on specimens of Naval Stores. *Copy.* $\frac{1}{2}$ *p.* *Endorsed*, Recd. Jan. 5, $\frac{1699}{1700}$.

894. xxx. Memorandum of Acts of Assembly, Aug. 7, 1699. $\frac{1}{2}$ *p.* [*Board of Trade.* New England, 10. *Nos.* 1, 1 i.-xxx.; *and* (*without enclosures*) 37. *pp.* 362-373.]

Oct. 25. **895.** Description of the Fortifications of Jamaica by Capt. Lilly, the Engineer. The island lies in the latitude of about 18 degrees nord, and is of a long oval form about 180 miles long, and about 60 broad in the broadest place. It lies in length eastern by south and western by nord, and has a continued ridge of lofty mountains that run through the midst of it from one end quit(e) to the other, and divides it into two parts, commonly called the south and north sides, the passages between which are very difficult. Since in the possession of the English the eastermost (*sic*) one-half of the south side has always been the best settled. But in the French invasion a great part of that, viz. the Port-Morant-quarters, ware entirely left to be ravaged and laid wast. So that there now remains only Liganee, sixtenmilwalk (*sixteenmilewalk*), Guanaboa, St. Chatherins, St. Dorothys and Withywood that are perfectly well settled. Of these Sixenmilwalk and Guanaboa are naturally fortified, being on all sides environed with great mountains through which there is but very narrow passes, which may easily be defended by the inhabitants. Withywood, St. Dorothy's and St. Chatherins are on one side covered with mountains, but on the other side altogether open to the sea. Liganee is the finest settlement in the island, and cut off from all the rest by very narrow passes, it is threequarter parts covered with mountains, but towards the sea this (as well as all the rest of the lowlands mentioned) has the fortifications of Port Royal for its chief bullwork, which in truth is but a very weak one. To the Eastward of Liganee near Three Rivers, a place so called, is a very narrow pass which is indifferently well secured by the industry of Sir James Casteel, who has built a small redout about his house, which did very good service in the time of the French invasion. To which there has since been added a small Travers which runs across the narrowest part of this passage, which is between the mountains and the sea. The town of Port Royal was formerly joined to the mean (*main*) land of Jamaica by a narrow isthmus of near 4 leagues in length, but in the late earthquake it became a separate island which contains but about 25 acres of land, on the South end of which is built a small fortification called Fort Charles, which does not contain full three quarters of an acre of ground, yet there is nevertheless in it

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near three score pieces of cannon mounted, the portholes of which with its otherwise antick contrivance renders it extreme weak and subject to surprises, for its breastwork is nowhere above six foot thick, and every port hole is a gate for an enemy to go in at, especially being there is not the least ditch or palisade about it. Besides all this, if the fortification of Port Royal was really strong and built according to the rules of the Art Military, yet it would be of little or no use for the security of the mean island, for there is to leeward of this and the rest of the Cays lately a channel found out by Admiral Benbow, through which ships of war may at any time with the usual sea breeze go in or out without having occasion to come within a mile of Port Royal, so that it follows an enemy may land on or attack any part of the mean land notwithstanding the fortification of Port Royal. *Endorsed*, Recd. Oct. 25, 1699. 1¾ *pp.* [*Board of Trade.* Jamaica, 8. *No.* 136; *and* 56. *pp.* 381-384.]

Oct. 25. Whitehall. **896.** Council of Trade and Plantations to Mr. Secretary Vernon. We propose that, upon Mr. Mears entering into £1,000 bond to answer H.M. determination in Council upon Mr. Day's claim for salvage of the *Dolphin*, peremptory orders be sent to to Mr. Day, by the vessel now in the Douns for Bermuda, to release the *Dolphin* and her cargo without any farther obligation to petitioner. *Signed*, Lexington, Ph. Meadows, Wm. Blathwayt, Jno. Pollexfen, Jno. Locke. [*Board of Trade.* Bermuda, 29. *p.* 227.]

Oct. 25. **897.** Minutes of Council of Montserat. Capt. Robert Collingwood deposing that he had heard John Gallway declare that the English were rebels for dethroning King James, Gallway was committed until he should find security. [*Board of Trade.* Leeward Islands, 64. *p.* 546.]

Oct. 26. **898.** William Popple to William Lowndes, enclosing an extract from Governor Nicholson's letter, July 1, relating to the Revenue of Virginia. [*Board of Trade.* Virginia, 37. *p.* 362.]

Oct. 26. **899.** William Popple to Sir Thomas Trevor, submitting for his opinion the forms of oaths, commissions &c. submitted by the Governor of Virginia, July 1. [*Board of Trade.* Virginia, 37. *p.* 362.]

Oct. 26. Whitehall. **900.** Journal of Council of Trade and Plantations. On further consideration of Col. Nicholson's letter, July 1, the letters to Mr. Lowndes and Mr. Attorney General, Oct. 11 and 19, ordered to be sent.

Micajah Perry's letter, Oct. 16, read.

Capt. Leake's report on Newfoundland laid before the Board.

Letter from Capt. Wm. Lilburne, Newfoundland, Sep. 18, laid before the Board.

Oct. 27. Answer to Mr. Secretary Vernon's letter about Sir W. Beeston prepared, and signed.

Letter to Mr. Secretary Vernon transmitting the old Virginia seal ordered.

Mr. Weaver permitted to see papers relating to the two late Acts of the General Assembly of New York—granting £1,500 to Lord Bellomont etc. and annulling extravagant grants of land—against the passing of which a *caveat* has been entered and which it is his duty to defend.

Copy of the Order of Council, Aug. 22, upon Mr. Richier's petition, ordered to be sent to Mr. Attorney General for his opinion.

Representation about pirates seized in the Plantations ordered. [*Board of Trade*. Journal, 12. *pp*. 223-227 ; *and* 96. *Nos*. 169, 170.]

Oct. 27. Whitehall. **901**. Council of Trade and Plantations to Mr. Secretary Vernon. In answer to your letter of the 22nd, we have not any late advice concerning the condition of Sir William Beeston's health, but he having some while ago, in many letters, complained to us of uneasiness under the shortness of his salary, which as L. G. is but £1,000 per annum, whereas the salary of a Governor of Jamaica has been usually £2,000, and his expressions in those letters all of them importing that his expense in supporting the honour and charge of that Government is much greater than the advantages he receives by it, and that by means thereof he impairs his own fortune, we are led to believe that this may be the true ground of his present desire to come to England. And we thereupon further beg leave to lay before his Majesty our humble opinion, that if instead of giving Sir William Beeston leave to return to England, his Majesty would, in consideration of his great pains and diligence in the discharge of his duty during the late war and the advances he has made of his own money upon many occasions for the public service (notwithstanding his great losses by the earthquake and his constant burden in supporting the dignity of his place), be graciously pleased to constitute him Governor with the usual salary, that would not only tend to his particular satisfaction but also to H.M. service and the welfare of the island, which being now in a very good way of improvement under his management and the inhabitants generally well satisfied therewith might be in danger of receiving some prejudice by his coming away at this time. *Signed*, Stamford, Lexington, Ph. Meadows, John Pollexfen, John Locke, Abr. Hill. [*Board of Trade*. Jamaica, 56. *pp*. 387-389.]

Oct. 27. **902**. Agreement between Captain Thomas Drummond, Councillor in Caledonia, and William Fulton, in the name of Ebenezar Brenton, John Porterfeild, John Cockburn and himself. If, after the safe arrival of the sloop *Society*, Joseph Lord master, at Caledonia, the people of Scotland be not there, Capt. Drummond obliges himself to pay in exchange between the sloop *Society* and the sloop *Anna* £300, to buy the *Society's* cargo at 50 *per cent*. advance on the invoice of the prime cost, and to fit the *Anna* for sea. William Fulton on his side obliges himself to deliver the *Anna* to Captain Drummond at Caledonia or elsewhere upon the coast of New Spain this present voyage. *Signed*, at St. Thomas, West Indies, 27 Oct. 1699, Thomas Drummond. Alexander Stewart and Joseph Lord, witnesses. *Certified true copy*, William Fulton, John Porterfeild. *Endorsed*, A true copy. Bellomont. [*America and West Indies*. Bermudas, 477. *No*. 60.]

Oct. 27. Whitehall. **903**. William Popple to Sir Thomas Trevor, enclosing petition of Isaac Richier and asking whether he have a right in

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law to demand security from Mr. Trott. [*Board of Trade.* Bermuda, 29. *p.* 231.]

Oct. 26. **904.** Minutes of Council of Virginia. The Pamunkey Indians desiring the lands sold by them may be confirmed to the buyers, the Commissioners were instructed to proceed according to the Order of Assembly only and to refer all cases not therein provided to the next Assembly. The Revising Committee recommended to settle the bounds of all counties and parishes. Richard Reynolds and others ordered to be prosecuted for a riot on the petition of Lt.-Col. Samuel Bridges. General muster of New Kent Militia ordered for Nov. 14, the Governor to be present. The Governor invited to represent to the King the growing danger of the pirates.

Oct. 27. Warrants for the execution of Samuel Bray for the murther of his wife, Sarah, and of Peter Indian for the murther of John Crostick, signed. The *Providence* ordered to be sold. Ordered that none be pilots without commissions obtainable on production of certificates from five masters of ships accustomed to sail to those parts and the Court of the County of residence. County Court Clerks ordered to make a return of all fines and forfeitures in their counties to the Secretary's Office, and Commanders in Chief of muster-rolls of militia to the Council Office. Late Collectors and Naval Officers to deliver their books and papers to the Governor. Lt. William Wilson representing that one Stoakes, an inhabitant of the country, had been pressed on board the *Essex* prize as a common sailor, ordered that he be discharged and Wilson provide another good sailor in his stead. Various proclamations ordered, approved. Form of a warrant to the Escheators approved. Mr. Auditor ordered not to take anything for any parcel of land under five acres. Mr. Auditor ordered to send to England for all Acts of Parliament passed in this reign. The proceedings of the Council were read. Petition of Richard Lee, after 20 years' service, to be dismissed the Council, granted. He was appointed Naval Officer of all Potowmeck River except Stafford County. [*Board of Trade.* Virginia, 53. *pp.* 348-356.]

Oct. 27. **905.** Micajah Perry of London, Merchant, to the Council of Trade and Plantations. The coasts of Virginia, Maryland and Carolina are infested with pirates. Cases of the *Maryland Merchant* and the *Charles* quoted. Advices from the Plantations importune me to humbly desire that some men of war may be appointed to cruize on their coast. *Signed*, Micajah Perry. *Endorsed*, Recd. Oct. 27. Read Oct. 31, 1699. 1 *p.* [*Board of Trade.* Plantations General, 5. *No.* 28 ; *and* 35. *pp.* 94-97.]

Oct. 27. **906.** Memorandum of preceding memorial. ½ *p.* *Endorsed*, Recd. Oct. 27, Read Oct. 31, 1699. [*Board of Trade.* Virginia, 7. *No.* 4.]

Oct. 28.
Doncaster,
St. Thomas,

907. Rear-Admiral Benbow to Mr. Secretary Vernon. I sailed from Jamaica Sept. 4, H.M.S. *Maidstone* in company, to visit the Windward Islands as directed. The *Lynn* I sent to Curasoa and Cartagena to demand some of my Prince's subjects which are there. The *Sandados* prize and *Germoon* I ordered to cruize between Cape St. Antonio and the Bay of Matansco thirty-four days, hearing that pirates were thereabouts. Also to countenance Capt. Brahoult who was going on a wreck which was cast away about two years since off the Havana with great treasure. We all sailed together. The *Falmouth* I left in port, not having men to sail her. I arrived at Nevis, Feb. 9. In this passage nothing of moment has happened more than the usual trade winds, which blowing very hard and inclining southerly with squalls, my sails being bad, I made no attempt to go farther to windward. The President of Nevis informed me of the many abuses our English nation suffers by the insolence of the Governor and inhabitants of the Island of St. Thomas, also their trading and protecting pirates and those that trade with them. I sailed from Nevis on this errand Oct. 17 and arrived at St. Thomas 20th, went into their harbour, wrote to the Governor to know by what authority he hoisted the King of Denmark's Flag on Crab Island, it belonging to the King, my master, and that contrary to the Law of Nations he suffered the inhabitants of this island to trade with pirates and gave them protection. His answer was that he highly wondered why I should mention his hoisting the Danes' flag on Crabb Island, it being the King his master's, and would persist in it, and to the inhabitants trading with pirates, he said it was a free port and they will trade with anybody, as instance the Brandingburg's factor here, who has bought great part of Kidd's cargo and is protected by this Government, and says he will trade with any, and be accountable to none but his master. The people of this island are very insolent, and are ready to commit all the villainy in the world when [they] have opportunity: the Governor has now several goods in his possession which came out of Kidd, as also great quantity of money, which he took as pawns of the master of the vessel which brought the goods, to let him depart. This St. Thomas is one of the westermost of the Virgin Islands and is about twenty miles in length, five or six over, mountainous, but a great deal of good land; the harbour is near the middle and on the south side, very commodious for ships, and water enough for any ship, and would be of great use to our English nation in case of a war in these parts, and may be made very easy secure, which is now only a receptacle for thieves. *Signed*, Benbow.

P.S.—This day I sailed from hence, tho' with regret, for Jamaica, thinking to look into the Bay of Samana, also St. Domingo; here are a great many pirates on the coast, but so much cover that 'tis very hard to come at them. *Endorsed*, Read Jan. 26. 3 *pp.* [*America and West Indies*, 669. *No.* 1.]

Oct. 31. **908**. Council of Trade and Plantations to Mr. Secretary Vernon. We send you the two old seals of Virginia, broken and defaced, sent to us by Col. Nicholson, July 1. *Signed*, Stamford, Lexington, Ph. Meadows, Jno. Pollexfen, Jno. Locke. [*Board of Trade.* Virginia, 37. *p.* 363.]

Oct. 31. **909**. Council of Trade and Plantations to the King. We humbly lay before your Majesty the draughts of such letters upon part of our representation, Sept. 12, as we conceive, *mutatis mutandis*, may be proper for your royal signature to the Governors of

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your Majesty's Plantations. But the remaining and more important part concerned the sending of pirates hither to be tried, and since the Attorney and Solicitor General and the Judge of the High Court of Admiralty propose different ways for the doing thereof we submit copies of their proposals to your Majesty's choice. *Signed*, Stamford, Lexington, Phil. Meadows, John Pollexfen, John Locke. *Annexed*,

909. I. Draught of a letter to the Governor the Earl of Bellomont. Whereas it may sometimes happen that you may have intelligence of pirates keeping upon their guard or at a distance by sea or land, so that it may be difficult for you to seize them, in such cases you are to insinuate to them by letters, messengers or otherwise that those who shall be forwardest to surrender themselves and most ingenious in their confessions, will have the surest grounds to hope for our mercy. *Direction concerning the punishing of the Jailer at Boston according to the Representation of Sept.* 12. "Or if the law be defective in that point that you endeavour to get some effectual Act passed there and in each of our Provinces under your Government for preventing not only the like mischiefs but in general the escape of all prisoners for the future."

The same letter *mutatis mutandis* to

Francis Nicholson, Lt.-Governor General of Virginia.
Nath. Blakiston, Capt.-General and Governor-in-Chief of Maryland.
Mr. Grey, Capt.-General and Governor-in-Chief of Barbados.
Sir Wm. Beeston, Lt.-Governor and Commander-in-Chief of Jamaica.
Christopher Codrington, Capt.-General and Governor-in-Chief of the Leeward Islands or to the President and Council of Nevis for the time being.
Saml. Day, Lt.-Governor and Commander-in-Chief of the Bermuda Islands.
Wm. Penn, Proprietor and Governor of Pennsylvania.
The Governor and Company of Connecticut.
The Governor and Company of Rhode Island.
The Lords Proprietors of Carolina.
The Lords Proprietors of the Bahama Islands.

Memorandum. No letter was writ to the Jerzies because of the dispute depending relating to the title to those Governments.

Memorandum. These letters were dated and signed by His Majesty, Nov. 10, 1699. [*Board of Trade.* Plantations General, 35. *pp.* 85-94.]

Oct. 31. **910.** Petition of the owners of the *Dolphin*, praying for relief against Samuel Day. *Signed*, Jacob Mears. *Endorsed*, Recd. Read Oct. 31, 1699. 1 *p.* [*Board of Trade.* Bermuda, 3. *No.* 51; *and* 29. *pp.* 231, 232.]

Oct. 31. **911.** Wm. Thornburgh to Wm. Popple. As soon as ever the Lords Proprietors of Carolina and the Bahamas are in town,

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the Lords Commissioners shall have a full answer. (*Vide No.* 893.) *Signed,* Wm. Thornburgh. *Endorsed,* Recd. Read Nov. 6, 1699. [*Board of Trade.* Proprieties, 4. *No.* 16.]

Oct. 31. Whitehall. **912.** Journal of Council of Trade and Plantations. Memorial of Micajah Perry about pirates read. Representation ordered. Letter to Mr. Secretary Vernon about Virginia seals signed. Order of Council, Oct. 23, about the French on St. Lucia, read. Representation ordered to be drawn accordingly. Mr. Neale's answer about standard silver in the Mint read; Secretary directed to desire like information about gold. Mr. Mears' further memorial about the *Dolphin* considered. Representation about sending for pirates signed. [*Board of Trade.* Journal, 12. *pp.* 228, 229; *and* 96. *No.* 171.]

Nov. 1. Whitehall. **913.** Mr. Secretary Vernon to the Council of Trade and Plantations. I send you an advice that came to the Admiralty. His Majesty would be informed whether you have any notice from Newfoundland of the sending of the recruits back and for what reason it was done. *Signed,* Ja. Vernon. *Endorsed,* Recd. Read. Nov. 2. 1699. *Enclosed,*

913. I. J. Burchett to Mr. Ellis. My Lords of the Admiralty send you a copy of a letter from the Capt. of the *Deal Castle* for the information of Mr. Vernon. *Annexed,*

913. II. Extract of a letter from the Capt. of the *Deal Castle.* The soldiers which were ordered on board for recruits for H.M. Fort of St. John's are returned by order from Capt. Leake, they having no occasion for them. [*Board of Trade.* Newfoundland, 3. *Nos.* 153, 153I.; *and* 25. *p.* 331.]

Nov. 1. **914.** Attorney General to the Council of Trade and Plantations. As to the petition of Mr. Richier (Oct. 27) he might be required to give security for his appeal, but not Mr. Trott, the respondent. *Signed,* Thomas Trevor. *Endorsed,* Recd. Read Nov. 20, 1699. ½ *p.* [*Board of Trade.* Bermuda, 3. *No.* 52; *and* 29. *p.* 240.]

Nov. 1. **915.** Minutes of Council of Nevis. Patent granted to James Bevon for land in St. Christopher's, bequeathed to him by Thomas Merrye. [*Board of Trade.* Leeward Islands, 64. *p.* 510.]

Nov. 2. **916.** Council of Trade and Plantations to the King. Representation upon the petition of Mr. Mears, who complains that his ship and cargo are perishing at Bermuda, and that none there in authority will take any depositions relating to Governor Day's conduct. We humbly offer that Mr. Day and the Council be directed to commissionate Capt. John Tucker, Capt. Thomas Hartford, Samuel Spoferth and John Dickenson to be Justices of the Peace, and that they or any one of them may take depositions and make report in that and all other matters relating to Mr. Day's conduct. *Signed,* Stamford, Lexington, Ph. Meadows, Jno. Pollexfen, Jno. Locke, Abr. Hill. [*Board of Trade.* Bermuda, 29. *pp.* 233, 234.]

Nov. 2. Kensington. **917.** Order of King in Council in accordance with preceding Representation. The Justices named to transmit all evidence taken

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about Mr. Day's Government and their report thereon to the Council of Trade. Mr. Day to be strictly charged not to use any illegal or indirect practices to hinder any person from making or taking such depositions or from repairing to England to give more full information. Mr. Day to transmit his answer in writing to all such matters as may be objected against him upon the said examination. *Signed*, John Povey. *Endorsed*, Recd. Read Nov. 13, 1699. 1¼ *pp.* [*Board of Trade.* Bermuda, 3. *No.* 53; *and* 29. *pp.* 238-239.]

Nov. 2. **918.** Earl of Jersey to Council of Trade and Plantations, ordering a Commission and Instructions to be prepared for Sir William Beeston in the quality of Captain-General and Governor-in-Chief of Jamaica. *Signed*, Jersey. *Endorsed*, Recd. Read Nov. 6, 1699. [*Board of Trade.* Jamaica, 8. *No.* 137; *and* 56. *p.* 390.]

Nov. 2. **919.** Minutes of Council of Virginia. Thomas Blunt, interpreter to the Indians on the south side of James River, ordered to summon such of the Nottaway, Nansemund and Mehecen Indians as Benjamin Harrison directed, to appear before the Governor and Council on the 10th, and likewise Robert Peasley, interpreter to those in the northern parts of the Colony, to summon the Pamunkey Indian called Mr. Marshall of the Pamunkeys, and two great men at least of the Chickahominies, Rappahanocks, and Nantiaticoes. Enquiry to be made after the two Nottaway Indians who went lately into the northern parts and are not yet returned. [*Board of Trade.* Virginia, 53. *p.* 356.]

Nov. 2. **920.** Account of the discovery of an horrid plot on board the *Antelope* sailing to the East Indies for the seizing and running away with her. Deposition of Richard Burroughs. 2½ *pp.*

920. I. Copy of confessions of the conspirators; John Pallee, midshipman; Anthony Hart, William Alexander, Henry Crowther, John Hickinton, Thomas Bayley, William Spaul, John Smith, John Belfrage, Edward Butler, John Collen, William Charnock, William Brewer and James Farmer. 5¼ *pp.* Taken before Sir Edward Littleton in the Bay of Bengal, April 22, 1699. *Endorsed*, Recd. Read Nov. 2, 1699. [*Board of Trade.* Plantations General, 5. *No.* 29; *and* (Burroughs' account only) 35. *pp.* 97-104.]

Nov. 2. Whitehall. **921.** Earl of Jersey to Council of Trade and Plantations. The French Ambassador has presented a memorial concerning the Island of Tobago. I send you copy of it by His Majesty's command in order that you may consider and report thereon. *Signed*, Jersey. *Endorsed*, Recd. Read Nov. 3, 1699. *Enclosed*,

921. I. Memorial from the French Ambassador concerning Tobago. The island of Tobago was taken in 1676 by the French arms from the Republic of Holland, to which it then belonged. It remained in the hands of the French by right of conquest till the peace of Nimeguen, when it was ceded to them by the 7th article of the treaty made in that town in 1678. Since then His Very

Christian Majesty has thought fit to raise the fortifications, but has not failed to preserve his right to the island, and his vessels have orders to visit it twice a year to prevent any other nation from taking possession of it contrary to the rights of France. But as the rumour is being spread, rightly or wrongly, to the effect that a Company of Merchants is being formed in England with the object of making a settlement there, I have thought fit to present a memorial notifying that the said Island of Tobago is by no means an abandoned territory and it belongs to none other than his Very Christian Majesty. *French*. 2 *pp*. [*Board of Trade*. Barbados, 8. *Nos*. 23, 23 I.; *and* 44 A. *pp*. 354, 355.]

Nov. 2. Whitehall. **922**. Letter enclosing Representation of Council of Trade and Plantations with a draft of instructions to Mr. Grey relating to Sta. Lucia. *Signed*, Stamford, Lexington, Ph. Meadows, John Pollexfen, John Locke. *No enclosure*. [*Board of Trade*. Barbados, 44 A. *p*. 350.]

Nov. 2. Kensington. **923**. Order of King in Council. The representation of the Council of Trade and Plantations with the draught of a letter to the Governor of Barbados relating to the settlement of the French on Sta. Lucia is to be sent back to the Lords Commissioners who are to alter the said draught in such proper terms as that the Governor may be thereby only directed to assert His Majesty's right and title to the said island of Sta. Lucia, and to give notice to the French who are settled there that unless they remove from off that island, he shall be obliged to dispossess them by force. The revised draught to be presented to His Majesty for approbation. The Commissioners are to consider and report upon the asserting of His Majesty's right and title to the Islands of Tobago and Sta. Lucia and the making such settlements thereupon as may hinder the same from being settled by any other than His Majesty's subjects. *Signed*, John Povey. *Endorsed*, Recd. Read Nov. 7, 1699. 1 *p*. [*Board of Trade*. Barbados, 8. *No*. 24; *and* 44 A. *p*. 358.]

Nov. 2. Kensington. **924**. Order of King in Council. Letters to the Governors of Plantations relating to pirates to be prepared according to the draughts submitted. When any pirates are to be sent for in custody, His Majesty's pleasure for the sending them into England is to be signified to the respective Governors in the manner proposed by Sir Charles Hedges. *Signed*, John Povey. *Endorsed*, Recd. Read Nov. 8, 1699. ¾ *p*. [*Board of Trade*. Plantations General, 5. *No*. 30; *and* 35. *pp*. 104, 105.]

Nov. 2. Whitehall. **925**. Journal of Trade and Plantations. Representation upon Mr. Day's seizure of the *Dolphin* signed.

Col. Codrington explained that he would not go to the Leeward Islands till the Treasury paid him the sums due to him. Letter to the Earl of Jersey to inform his Majesty accordingly.

Representation about Sta. Lucia ordered.

Letter from Mr. Secretary Vernon about recruits returned from Newfoundland read. Answer prepared.

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An account received from Mr. Gilbert Heathcote of a design of the seamen of the *Antelope* to run away with her on her voyage to the East Indies read.

Nov. 3. Letter to Mr. Vernon about Newfoundland recruits signed.

Letter from Mr. Isaac Richier with an account of the lands in Bermuda, laid before the Board.

Letter from the Earl of Jersey, Nov. 2, with French Memorial about Tobago read. Abstract of H.M. title to that island, as drawn Dec. 4, 1686 (*see Cal.* 1686, *No.* 1,033), ordered, and Capt. Poyntz ordered to attend.

Letter from Governor Grey, Barbados, Aug. 21, read. Answer prepared. [*Board of Trade.* Journal, 12. *pp.* 230-232; *and* 96. *Nos.* 172, 173.]

Nov. 3. **926.** Council of Trade and Plantations to Mr. Secretary Vernon. We have no account from Newfoundland concerning the recruits returned, nor any other knowledge of their return than what your letter gives us. *Signed*, Ph. Meadows, John Pollexfen, John Locke, Abr. Hill. [*Board of Trade.* Newfoundland, 25. *p.* 332.]

Nov. 3. St. John's. Nov. 4. **927.** Minutes of Council and Assembly of Antigua. It was agreed to draw up an Act for reinforcing three Acts nearly expired. The Assembly pressed for the passing of an Act encouraging Aliens and, the Council concurring, a Joint Committee was appointed to draw it up.

The Assembly, hearing that the Governor proposed to come direct, without touching at Barbados, and thinking that he would therefore have no opportunity of providing himself with good Madeira wine, proposed the provision of half-a-dozen pipes of old Madeira and two hogsheads of best white biskett against his arrival, to which the Council agreed.

The case of Richard Buckeridge, appointed to collect customs but unjustly suspended by James Thynne, Commissioner of Customs, considered. Buckeridge recommended to his remedy by law.

Land granted to John Weir. [*Board of Trade.* Leeward Islands, 64. *pp.* 324-328.]

Nov. 4. New Providence. **928.** John Graves to the Council of Trade and Plantations. Two months since John Williams of Nevis was executed for piracy, he being one that was with Capt. Hind, whose trial and three more of his confederates I enclose. *Signed*, John Graves. *Endorsed*, Recd. Ap. 4. Read Ap. 5, 1700. ½ *p.* *Enclosed*,

928. I. Copy of proceedings at the trial and condemnation of Hendrick van Hoven (*alias* Hynde) the grand pirate, and Ouca Guicas, Frederick Philips, John Floyde and John Vantein, some of his company. New Providence, Oct. 23, 1699. Richard Talliafferro, Chief Judge. Perient Trott, Mathew Midleton, Joseph Groves, *Assistants. Grand Jury*:—Capt. Richd. Peterson, *Foreman*; David le Brittoon, George Grahame, Jerome Wells, Patrick Ballentine, William Spatche, Samuel Frith, John Bethell, Nich. Davis, Tho. Williams, Danl. Jackson, Hugh Strode. *Clerk*:—Capt. Edward Elding,

Patrick Davidson his deputy; John Rudsby, High Sheriff. *Petty Jury*:—Ellis Lightwood (*Foreman*), John Peilman, Nich. Spencer, Tho. Spencer, John Baiker, Ephraim Fox, John Ingham, Benj. Griffin, John Sterline, jr., Samuel Fox, Elisha Carter, Will. Holins. Evidence of James Robertson, mariner, Adam Eve, Joseph Evins, mariner, and George Hinkson.

Petition of Hynd for a reprieve "if it cannot be fifteen days let it be ten; if it cannot be ten let it be five . . . to help me to save that dear jewel my soul." Cases of Kings David and Hezekiah quoted. *Signed*, Hendrygo van Goven. 10 *pp.* [*Board of Trade.* Proprieties, 5. *Nos.* 2, 21.; *and* (*without enclosure*) 26. *pp.* 182, 183.]

Nov. 6. Boston. **929.** Governor the Earl of Bellomont to Mr. Popple. I know not how my long letters and so many of 'em will be liked by the Lords of the Council of Trade. It were for mine ease and health to shorten them. I am not able as yet to give an account of my negotiation in Rhode Island, the Governor having not as yet furnished me with copies of their laws, or of the Journals of their Assemblies and Minutes of Council which I requested of him according to the King's instructions. I hear for certain an Assembly was called, which is now sitting, purposely to repeal a great many of their laws which they are ashamed of, and when those are melted down, so as that they think their body of laws is refined, and made fit to bear the test, then I am to have them sent me. This was told me when I was in the Island, by some who are weary of the licentiousness and confusion of the Government. The Governor, too, though he promised me the Journals and Minutes, so soon as they could possibly be copied fair, yet a few days ago writes that they never made use of either. I beg you will intimate this to the Lords of the Council of Trade that they may not think me negligent. I staid in that island a week, and collected matter enough to prove that Government the most irregular and illegal in their administration that ever any English Government was.

Col. Blake, Gov. of Carolina, writes to the L.G. of N. York, to acquaint him that Col. Day, Gov. of Bermuda, had writ him an account of his imprisoning Mr. Randolph, and that he had intercepted a letter from Mr. Randolph to the Lords of the Council of Trade, wherein he complains of all the Governors, I think, on this Continent for conniving at unlawful trade, and of me among the rest, and, if I may believe what Col. Blake writes, he treats me with no better a name than that of rogue. I have mislaid Blake's letter, but you shall have it by the next ship. I once was so nettled at this that I resolved to write to your Board about it; but I am jealous this is only an artifice of Col. Day's to engage me and the other Governors in his quarrel against Randolph. If such a letter were written by Randolph, I am persuaded you will do me the common right to let me know it. If Randolph has accused me to any of the Ministers, I will desire the matter may be brought to an open examination. I desire you will assure Mr. Locke of my

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humble service. *Signed*, Bellomont. I have found Col. Blake's letter, and send you a copy. *Endorsed*, Recd. Jan. 5. Read Feb. 7, $\frac{1699}{1700}$. *Enclosed*,

929. I. Abstract of above. $\frac{1}{4}$ *p.*

929. II. Copy of letter referred to by Lord Bellomont, from Joseph Blake to Capt. John Nanfan, L.G. of New York. Charles Town, July 22. 1699. $\frac{3}{4}$ *p.* [*Board of Trade.* New England, 10. *Nos.* 3, 3 I.-II.; *and* (*without enclosures*) 37. *pp.* 305-308.]

Nov. 6. Whitehall. **930.** Council of Trade and Plantations to the Earl of Jersey. Col. Codrington desires us to represent that his not repairing to his Government, where his presence is much needed, is due to his difficulty in obtaining from the Treasury four years' salary and other large sums due to his father. *Signed*, Stamford, Lexington, John Pollexfen, Jon. Locke, Abr. Hill. [*Board of Trade.* Leeward Islands, 46. *p.* 8.]

Nov. 6. Whitehall. **931.** Council of Trade and Plantations to Governor Grey. Since our letter of Oct. 12 we have received yours of Aug. 21, and in the next shall expect an account of the Patent Places in Barbados as also a list of persons fit to fill up vacancies in the Council. We observe that you write about pirates infesting those parts, and are very sensible of the necessity of another good ship to attend that Government, a good sailer, fit to pursue them, but can at present give you no information of any new directions about that matter. However, we desire you to be very watchful upon all occasions in doing what you can for the suppression of pirates, and we shall not be backward in improving all the advices which we receive from you or others towards the obtaining of such remedies against that evil as shall be thought most proper. The ship *Adventure* that had been run away with in the East Indies has been heard of in another place, so we need say no more concerning her. We are glad of what you write about the inhabitants being willing to repair their forts and hope therefore it will be done accordingly and the island kept in a good state of defence. We cannot judge of what you write about their being in debt and how far that reason is valid for their not building a house for their Governor, because you have not given us any account what that debt is, but whatever it be it seems to us that the annual charge of house rent must needs be much more costly to them than that of building such a house once for all. And therefore we hope that when you find the opportunity proper to move them in that matter you will be able to prevail. You may shortly expect directions in the matter of Sta. Lucia. *Signed*, Stamford, Lexington, Ph. Meadows, John Pollexfen, John Locke, Abr. Hill. [*Board of Trade.* Barbados, 44 A. *pp.* 356, 357.]

Nov. 6. **932.** Minutes of Council of Massachusetts Bay. Various accounts referred to be audited, and warrants for pensions for wounded persons and soldiers' wages at Groton and Haverhill, 1698, ordered. £30 paid to John Arnold, underkeeper of the gaol, for keeping Joseph Bradish and others. Warrants for payments for provisioning the *Province* galley and the Castle ordered. Capt. Timothy Clarke, *Deptford* frigate, paid £4 9s. for conveying a packet and endeavouring to weigh a sloop. [*Board of Trade.* New England, 49. *p.* 254-256.]

Nov. 6. Whitehall. **933.** Journal of Council of Trade and Plantations. Letter from Lord Jersey read. Draughts of commission and instructions to Sir Wm. Beeston as Capt.-General and Governor in Chief of Jamaica, ordered.

Letter from Mr. Thornburgh read.

Mr. Mears ordered to attend the Board, Wednesday or Thursday.

Secretary ordered to write to Mr. Perry to enquire if he have any further news about pirates.

Letter to Lord Jersey, about Col. Codrington, signed.

Letter to Governor Grey signed.

Nov. 7. Order of Council, Oct. 23, about seizure at Perth Amboy considered. Further enquiries of the Commissioners of Customs ordered.

Capt. Poyntz, attending as desired, said he had been eleven voyages to Tobago, up to the year 1680. After the French, upon the desire of the Duke of Courland had, about 1676 or 1677, beat out the Dutch, who had possessed themselves of the island, the title was, as he said, by consent of the King of England, the Dutch and the Duke of Courland, referred to the King of France, who confirming the Duke of Courland's title, the Dutch renounced it. Capt. Poyntz promised to draw up a memorial with what speed he could.

Agents of Barbados summoned, in order to discourse them upon Tobago.

Order of Council, Nov. 2, about Tobago and Sta. Lucia read. Letter to Governor of Barbados in pursuance thereof ordered.

Letter from Mr. Secretary Vernon, Nov. 7, enclosing Sir W. Beeston's complaint about Rear Admiral Bembow's pressing seamen, read. Representation prepared.

Nov. 8. Order of Council, Nov. 2, about pirates read.

Capt. Poyntz was told that the Board wish to be informed about the changes in the possession of Tobago.

Acts of Nevis and Antegoa ordered to be sent to Mr. Solicitor General.

Nov. 9. Representation about pirates signed.

Representation about Sta. Lucia signed.

Letter to Sir William Beeston signed.

Nov. 10. Letter to Lord Rumney about stores of war ordered.

Representation about the impressing of seamen signed.

Caveat against an Act for the service of Almighty God, Maryland, brought before the Board. [*Board of Trade.* Journal, 12. *pp.* 233-239; *and* 96. *Nos.* 174-178.]

Nov. 7. Whitehall. **934.** Mr. Secretary Vernon to the Council of Trade and Plantations. I enclose an extract of Sir William Beeston's letter complaining of the irregular pressing of seamen by Rear-Admiral Benbow. His Majesty being desirous that all interfering of jurisdiction should be avoided, and that what is necessary for carrying on the public service should be provided for in a quiet and orderly manner, he would have you consider this complaint, and propose such regulations as may conduce to prevent the same for the future.

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so as the authority of the Governors in the several colonies may be preserved, and that convenient care may be taken to supply H.M. ships with the men necessary. 1 *p.* *Signed*, Ja. Vernon. *Endorsed*, Recd. Read Nov. 7, 1699. *Enclosed*,

934. I. Extract of Sir William Beeston's Letter. Rear-Admiral Benbow impresses all, even the men who belong to this place and have wives and families here, which has caused our seamen to desert the island, and will undo the place. He will not allow me to have anything to do on the water, though in the Harbour, and over the seafaring people of the island, so that I cannot execute H.M. authority nor protect his subjects, who complain to me of the injuries and insults they receive, and therefore I have desired to be released, for 'tis very uneasy to bear H.M. authority and to have the orders from the Admiralty to countermand them, which indeed upon all occasions they esteem above His Majesty's. I have written to him that if he has brought any power to supersede or contradict any of the authorities H.M. has been pleased to place in me, that as in duty I shall readily concede, but if not it's interfering with the King's authority and meddling with that which does not concern him. He thinks whilst he is here that I have no authority but what is immediately on the land, though I have large powers under the Great Seal, His Majesty's particular commission to be Vice-Admiral and to preserve to His Majesty all royalties, yet he forced away in the harbour 150 jars of oil out of a boat that took them up out of a wreck by my order, and in short does what he pleases. I believe the merchants now in general make grevious complaints. In truth it ruins all the trade and the place. *Copy.* 2¼ *pp.* [*Board of Trade.* Jamaica, 8. *Nos.* 138, 138 I.; *and* 56. *pp.* 391-395.]

Nov. 7. Whitehall. **935.** William Popple to John Sansom. Have the Commissioners of Customs anything further to offer relating to the seizure of goods at Perth Amboy by Charles Goodman, or any information concerning it upon oath? [*Board of Trade.* Proprieties, 26. *p.* 126.]

Nov. 7. **936.** Minutes of Council and Assembly of New Hampshire. William Partridge, the L.G., moved that some care might be taken Nov. 8. for a common gaol. Report of the Committee of Public Accounts referred to the Assembly, who represented that it was not convenient to raise money at present to pay the public debts. They were adjourned till Nov. 21.

Nov. 9. Elizabeth Harvey exempted from paying excise, so long as she keeps the Post Office. Some small accounts were paid. The Secretary was ordered to enter all Acts passed in the province in a Record Book. The boat bought by Major Joseph Smith, late Treasurer, for the use of H.M. Fort William and Mary, ordered to be delivered to Capt. John Hinckes. Proclamations ordered for a day of General Thanksgiving on the 23rd. Treasurer ordered to provide

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firewood, candles and other necessaries for the Council and Representatives during their meetings in the winter. Sampson Sheafe ordered to give account of what monies he received during his term of office. Twenty pieces of eight ordered to be presented to — Taylor, Secretary to Lord Bellomont. On the report of the Committee of Public Accounts, the Representatives agreed to the payment of some 40 payments, enumerated, with a few exceptions and additions. [*Board of Trade.* New England, 49. *pp.* 549-562.]

Nov. 8.
Custom House, London.

937. John Sansom to William Popple. The Commissioners of Customs have nothing further to offer, and no information upon oath about the seizure made at Perth Amboy by Charles Goodman. *Signed*, Jno. Sansom. *Endorsed*, Recd. Nov. 9, Read Nov. 13, 1699. ¼ *p.* [*Board of Trade.* Proprieties, 4. *No.* 19; *and* 26. *p.* 128.]

Nov. 8.
Whitehall.

938. Wm. Popple to Sir John Hawles. I send for your opinion some Acts of the General Assemblies of Nevis and Antego, passed in Jan., March and Aug., 1699. *List annexed.* [*Board of Trade.* Leeward Islands, 46. *pp.* 9, 10.]

Nov. 9.
Whitehall.

939. Council of Trade and Plantations to the King in Council. Letter enclosing altered draft of letter to Mr. Grey on the matter of Sta. Lucia. *Signed*, Ph. Meadows, John Pollexfen, John Locke, Abr. Hill. *Annexed*,

939. I. Draft of letter from His Majesty to Governor Grey. Trusty and well-beloved we greet you well. Whereas we have understood by your letters that some foreigners, especially French, have without our leave or authority made a settlement within our island of Sta. Lucia, where they have built houses and pretend themselves to be the only possessors and proprietors thereof, and we, being well satisfied of our right and sovereignty over the said island, as well by the title of first discovery and possession as by legal purchase from the natives, whereof a formal conveyance was remaining in the hands of our right trusty and well-beloved William, Lord Willoughby of Parham, our late Governor-in-Chief of our Carribbee Islands, our will and pleasure is that you assert our right and title to the said island of Sta. Lucia, and give notice to the French or any other foreigners, who are settled or may hereafter pretend to settle there, that unless they remove from off that island and discontinue their settlement there,* you shall be obliged to dispossess them by force and send them from off the said island. **Mem.* These words, *in some short time which you shall appoint*, were added by Order of Council of Nov. 9, 1699, to come after the word "there." [*Board of Trade.* Barbados, 44A. *pp.* 359, 360.]

Nov. 9.
Kensington.

940. Order of King in Council, approving of the preceding draft with the alteration therein cited. One of his Majesty's Principal Secretaries of State is to prepare a letter for his Majesty's

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Royal Signature, with the said amendment, accordingly. *Signed*, John Povey. *Endorsed*, Recd. Read Nov. 13, 1699. 1 *p.* [*Board of Trade.* Barbados, 8. *No.* 25; *and* 44A. *p.* 361.]

Nov. 9.
Whitehall.

941. Council of Trade and Plantations to Governor Sir William Beeston. We have not received any letter from you since ours of Oct. 12. His Majesty having been moved by the Lord Lucas that you may have leave to come to England for the recovery of your health, has, upon our plain representation, been pleased to constitute you Governor with the salary of £2,000, instead of giving you leave for your return. We have your Commission and Instructions now under consideration. *Signed*, Stamford, Lexington, Ph. Meadows, John Pollexfen, John Locke, Abr. Hill. [*Board of Trade.* Jamaica, 56. *pp.* 396-398.]

Nov. 9.
Kensington.

942. Order of King in Council. In consideration of the great encouragement pirates may receive from the Governors of Plantations not approved by His Majesty, the Council of Trade and Plantations are to make a return of those appointed by the Proprietors, who have not been approved by His Majesty. *Signed*, John Povey. *Endorsed*, Recd. Read Nov. 13, 1699. ½ *p.* [*Board of Trade.* Plantations General, 5. *No.* 31; *and* 35. *p.* 113; *and* Proprieties, 26. *pp.* 126, 127; *and* (*Memorandum only*) 4. *No.* 17.]

Nov. 9.

943. Council of Trade and Plantations to the King. Having upon many occasions applied to your Majesty and their Excellencies the late Lords Justices about the matter of pirates, and several fresh informations coming daily to our hands of the many mischiefs committed by them, we are apprehensive lest the sending for those that have been seized on and are now in custody in any of your Majesty's Plantations will not be sufficient to work thorough cure of that evil. The sum of our advices import that the pirates hovering upon those coasts do not only surprise ships coming into or sailing out of their ports and sometimes sink and destroy them, but enter into their very bays and harbours, plundering such ships as they can surprize of their rigging, provision and ammunition, debauching and engaging many of the seamen to quit their honest employments and go along with them, fitting out such of the ships they surprize as they find proper for their purpose with the things that they plunder from others, manning their ships with the men whom they so debauch and increasing thus their strength to such a degree that the apprehensions of future mischief may not only be from single ships but squadrons, and the corruption already spread and still further spreading by this means amongst our seamen may in the end prove too universal, that we humbly conceive the consequences are greatly to be dreaded. For the remedy, therefore, the Governors having complained to us of the insufficiency of the ships of war appointed to attend their respective governments, we offer that such a sufficient force of well sailing ships as may be thought necessary and proper to clear those seas from pirates be appointed for that service. *Signed*, Philip Meadows, John Pollexfen, John Locke, Abr. Hill. [*Board of Trade.* Plantations General, 35. *pp.* 106-109.]

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Nov. 9. **944**. Order of King in Council. The Representation of the Council of Trade and Plantations, offering that a sufficient force of well-sailing ships to clear the coasts of America from pirates be provided, is referred to the Admiralty for their opinion. *Signed*, John Povey. *Endorsed*, Recd. Read. Nov. 13, 1699. ½ *p.* [*Board of Trade.* Plantations General, 5. *No.* 32; *and* 35. *p.* 114.]

Nov. 9. **945**. Order of King in Council. Representation of the Council of Trade and Plantations about pirates referred to the Attorney General and Sir Charles Hedges, Judge of the High Court of Admiralty, who are to consider of some effectual remedy for the putting an end to the great increase of pirates, being H.M. subjects. The Attorney General also to report how the Proprietors in the Plantations may be more effectually obliged to present the names of the Governors appointed by them for H.M. allowance or disallowance, pursuant to the late Act. *Signed*, John Povey. *Endorsed*, Recd. Read Nov. 13, 1699. ¾ *p.* [*Board of Trade.* Plantations General, 5. *No.* 33; *and* 35. *pp.* 115, 116; *and* Proprieties, 26. *p.* 127; *and* (*Memorandum only*), 4. *No.* 18.]

Nov. 10. Whitehall. **946**. Council of Trade and Plantations to Mr. Secretary Vernon enclosing the following report to be laid before His Majesty.

946. I. Council of Trade and Plantations to the King. We have considered the extract of Sir William Beeston's letter upon the irregular pressing of seamen at Jamaica by Rear-Admiral Bembo (*Nov.* 7), and humbly report that, upon like complaints made in 1696 from several Plantations, we represented the great inconveniencies and mischiefs arising to those Islands from the weak manning of your Majesty's ships-of-war in those parts, and from the irregular conduct of the captains thereof in impressing not only seamen but landmen for their supply. Your Majesty was pleased by Order in Council, Dec. 3, 1696, to commit the sole power of impressing seamen to the Governors or Commanders-in-Chief of the Plantations, as Vice-Admirals, and to require them upon the application of the Commanders of your Majesty's ships in those parts to take care that they be furnished with the number of seamen necessary. We do not conceive that there can be any more proper provision in the case, because we do not see the possibility of the interfering of Jurisdictions, but if your Majesty's directions in that point be duly observed, and care be taken that your Majesty's ships in sailing to the Plantations, because of the great mortalities that sometimes happen there, do always set out from hence with their full complement of seamen, as we formerly proposed, the inconveniencies complained of will be in great measure prevented, and your Majesty's service in that particular quietly and orderly carried on. *Signed*, Stamford, Lexington, Ph. Meadows, John Pollexfen, Abr. Hill. [*Board of Trade.* Jamaica, 56. *pp.* 399-402.]

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Nov. 10. **947.** Minutes of Council of Virginia. Advice having been received of a violent and dangerous sickness raging in the City of Philadelphia, ordered that no vessel from those parts be admitted to trade here if sickly, nor, if well, till after the next frost and cold weather which shall happen to clear the air.

Nov. 11. A letter from Capt. Aldred was answered :—"You may take a pilot for Smith's Island River, if you pay for him. You have been in these parts long enough to be acquainted with the coast, especially if you cruised according to orders in the Bay last summer. You had four days to consider what the ship wanted, and now you say you need several other things. This is very great negligence. I refer you to Lieut.-Col. Wilson and his Lady for an answer to what you say about them, and command you in His Majesty's name that your letters henceforward to me have relation to business and your duty only and be not stuffed with such Billingsgate railing. You have not complied with several orders received from me. I require a particular and distinct answer to them forthwith. Laying aside all excuses and delays you are to sail with all possible speed to Chisepeake Bay and there cruize." The Auditor ordered to send for forty printed copies of every Act of Parliament made hereafter relating to the Plantations. Lt.-Col. Wilson and Mr. Heyman ordered to enquire into the proceedings of Capt. Aldred and the *Essex* prize. [*Board of Trade.* Virginia, 53. *pp.* 357-360.]

Nov. 11.
Bristol. **948.** Abraham Birkin to Jacob Mears. I enclose affidavit of two seamen. *Signed,* Abraham Birkin. *Endorsed,* Recd. Read Nov. 16, 1699. *Enclosed,*

948. I. Affidavit of Richard Hayward and Richard Cradduk that they saw Isaac Adderly in prison at Bermuda in Sept. ¾ *p.* [*Board of Trade.* Bermuda, 3. *Nos.* 54, 54 I.]

Nov. 11.
Nevis. **949.** President and Council of Nevis to James Vernon. We are favoured with yours of June 18 with enclosed duplicate of His Majesty's commands about the Scotch settlement. Upon receipt of the first commands we strictly forbade all correspondence with the settlement and are well assured none has been held from any of these islands. We are credibly informed the Scotch have deserted that settlement, but not knowing the certainty thereof will make a second proclamation. *Signed,* Wm. Burt, Mich. Smith, Dan. Smith, Jno. Smargin, Wm. Butler. *Endorsed,* R. Jan. 26. [*Board of Trade.* Leeward Islands, 6. *Nos.* 42A.; *and* 42A. I. *duplicate.*]

Nov. 11. **950.** Minutes of Council of Nevis. Acts for inspecting trespasses; suppressing thatcht houses and erecting brick or stone chimneys in all towns; for the speedy payment of labourers' hire; for the relief of poor prisoners; for the better governing of negroes and for preventing any white person from keeping company with them, passed. [*Board of Trade.* Leeward Islands, 64. *pp.* 510, 511.]

Nov. 12. **951.** Minutes of Council of Massachusetts Bay. Proclamation ordered offering a reward of 200 pieces of eight for the apprehension

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of James Gillam, Pirate. An embargo laid upon all ships, to prevent his escape. [*Board of Trade.* New England, 49. *p.* 256.]

Nov. 13. **952.** Memorandum of an account of pirates attacking the man-of-war in Virginia, July, 1699. Communicated to the Board by Mr. Southwell. *Endorsed,* Recd. Nov. 13, Read Nov. 14, 1699. ¼ *p.* [*Board of Trade.* Virginia, 7. *No.* 5.]

Nov. 13. Whitehall. **953.** Mr. Secretary Vernon to the Council of Trade and Plantations. His Majesty would have you consider the enclosed petition of Dr. Cox and lay before him a state of the grant by King Charles I. of the Province of Carolana Florida, and report how fit it may be upon the surrender of the said grant to regrant the same with the addition of other lands desired to such as shall undertake to settle a colony there by subscriptions. *Signed,* Ja. Vernon. *Endorsed,* Recd. Read Nov. 16, 1699. 1 *p.* *Enclosed,*

953. I. Petition of Daniel Coxe. King Charles I, Oct. 30, in the 5th year of his reign, granted to Sir Robert Heath, knt., his Attorney General, and to his heirs and assigns for ever, all the province of Carolana Florida. All right, title and property of Sir R. Heath is settled in the petitioner, who, after great expense, has discovered the said territory to be admirably situated for trade. He is ready to resign his Government and dispose of his interest on such terms as will encourage gentlemen merchants to subscribe £50,000 towards planting and settling it. He prays His Majesty to add a tract of land to the Northern bounds of Carolana, and incorporate subscribers as the Florida Company, and grant them a man-of-war. *Copy.* 1 *p.* [*Board of Trade.* Proprieties, 4. *Nos.* 21, 21 I.; *and* (*without enclosure*) 26. *p.* 129.]

Nov. 13. **954.** William Bridges to William Popple. I enclose the answer of the Agents of Barbados concerning the present state of the forts &c. Also their complaint against the Commanders of H.M. ships of war. *Signed,* William Bridges. *Enclosed,*

Nov. 10. 954. I. Memorial of the Agents of Barbados to the Council of Trade and Plantations. By order of the General Assembly, we humbly represent that many inconveniences and great damages do happen to the people of Barbados by the Commanders of H.M. ships of war carrying off their indented servants and other persons greatly indebted there, in breach of his Majesty's laws of that country, which since the war hath been at the charge of £36,000 for servants to supply their militia and people the island. The Assembly hope that a particular instruction may be given to all Commanders of H.M. ships of war that sail to that island, forbidding them to carry or to suffer to be carried off in the ships which they command any person whatsoever belonging to the said island, without a ticket from the Secretary's Office, and that in case any such Commander shall presume to do so, he may be liable to be prosecuted according to his Majesty's laws in that country. *Signed*, Edward Littleton, William Bridges, Mel. Holder. *Endorsed*, Recd. Read Nov. 13, 1699. 1 *p.*

954. II. Agents of Barbados to Council of Trade and Plantations. State of the fortifications etc. in the Island. Upon a late application made to His Majesty that an engineer might be sent to view and examine the state and condition of the forts, etc., of the island, and to consider what would be necessary to be built for its security and defence, one Mr. Talbot Edwards was sent thither for that purpose. He has returned and made his report to the Rt. Hon. the Master General of H.M. Office of Ordnance, to which we refer you. By a late letter which we have received from the Committee of the General Assembly, they inform us that it is absolutely necessary for the preservation and safety of the island that other fortifications should be erected, those which they have now being but of very little defence, which may further appear by the annexed copy of the General Assembly's answer to some proposals made to them by Mr. Edwards. The usual method of supplying the island with great guns, mortars, bombs and granade shell hath been out of His Majesty's magazine in England, and likewise in time of war with small arms, bullets for great and small guns, some powder and several other small stores, and sometimes also the island in time of war and great exigency hath been furnished with small arms at the country's charge, and it is mostly supplied, both in time of war and peace, with powder by a duty that is laid by an Act of the Country upon the tonnage of merchant shipping trading thither. *Signed*, Ed. Littleton, Wm. Bridges, Mel. Holder. *Endorsed*, Recd. and laid before the Board Nov. 13, 1699. 1½ *pp.*

954. III. Answer of the General Assembly to Captain Edwards. We have considered your proposals for fortifying the country and find 'twill amount to a great sum. You have made us sensible that we stand in need of all those fortifications you propose, considering our weak circumstances; for we, who used to be the bulwark and defence to our neighbouring islands, are now reduced from 1,200 fighting men to but three, through the heavy burden of the war and former burdens, in which half of our sugars has been taken by the enemy or lost at sea; our great charges in the expedition against the French Leeward Islands, which have left a great and heavy debt upon us which must be paid; the great pressures we have been under by the advanced duty on sugar and other commodities, which have been more than our commodities have been able to bear, at which we do not repine, since 'twas thought fit for His Majesty's service. Besides, the oppressions of the African Company, who out of their avarice and rapinous desire, by not one

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quarter supplying our annual mortalities, the better to advance the price of slaves, or through the narrowness of their stock, have reduced us from 70,000 negroes to 40,000, as is evident by the Poll Acts upon negroes, so that now instead of employing 500 or 600 sail of ships annually, we do not employ much above 200, to the great detriment of His Majesty's Customs, diminution of navigation and trade, and hindrance of the consumption of very much of the native commodities of England. You have seen that near half the lands of this island lies waste and uncultivated; many sugar works totally ruined and many of his Majesty's subjects quite undone; many have been forced off because they could not endure those burdens, and many daily are going. It is for these reasons we do not embrace your proposals. We dare not lay on so great a tax as those fortifications, necessary as they are, will amount to. We thought our forts, such as they are, were sufficient, and desired your assistance only in directing and ordering our breastworks at the several places of landing, and which we do still most earnestly desire of you that we may mend what is amiss. But we intend to address his Majesty that at length the $4\frac{1}{2}$ per cent. may be applied to those uses for which it was raised, and we could wish you could stay till we have had his Majesty's answer, without whose special and gracious care we must, the next war, fall under the first attempt, which by necessary consequence will draw the Leeward Islands after it. We are extremely sorry Captain Heberlands hath not surveyed our coast as he was ordered. We believe it was his own neglect. *Copy. Signed*, William Rawlin, Clerk of the Assembly. $1\frac{3}{4}$ *large pp.* [*Board of Trade.* Barbados, 8. *Nos.* 26, 26i.-iii.; *and* 44a. *pp.* 362-368.]

Nov. 13. Whitehall. **955.** Council of Trade and Plantations to the Earl of Romney. We have received no reply from Mr. Pultney to our enquiry (*Oct.* 10) and, being required to dispatch our report, we desire that we may have full information as soon as may be. In a report from the Office of Ordnance to the Lords Justices, Oct. 3, we find an expression similar to that referred to, viz. that it has been usual for the Plantations to reimburse that office for the charge of stores. We entreat your Lordship that we may have particular information of what has been done by each of the Plantations in that kind from time to time. In relation to the Forts and Fortifications in the Plantations, having understood that some of the Engineers, sent thither some while ago, are returned and have made report to your Lordship, we desire you would favour us with copies of their reports. *Signed*, Stamford, Phil. Meadows, Wm. Blathwayt, John Pollexfen, John Locke, Abr. Hill. [*Board of Trade.* Plantations General, 35. *pp.* 109-112.]

Nov. 13. Off Cape Mounteradoe. **956.** Henry Munday, Master of the *Hopewell* of London, to his owners, Mr. Pettet and Company. I have been attacked by a

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pirate here, Henry King, formerly in the Pennsylvania trade, and wounded. They plundered the ship, chiefly of liquors. Nine of our crew joined them. I send a list of them, desiring you would get them proclaimed pirates. "I should have rung a peal with them myself after was relieved, but they had plugged up all our guns, and before could get them clear, he marcht off, having left me in the new fashion with but one stocking and neither shoes nor breeches and for shirts am reduced to one." *Signed*, Henry Munday. *Endorsed*, Recd. Read Feb. 20. $\frac{1699}{1700}$. 2 *pp.* [*Board of Trade.* Plantations General, 5. *No.* 34; *and* (*memorandum of above letter*), 35. *p.* 177.]

Nov. 13. Whitehall. **957.** Journal of Council of Trade and Plantations. Order of Council, Nov. 2, about Col. Day read.

Order of Council, Nov. 9, about Sta. Lucia read.

Three Orders of Council, Nov. 9, about pirates, and that concerning Governors not approved by H.M. read. Letters to Mr. Thornburgh and Mr. Dockwra ordered.

Letter from Mr. Sansom, Nov. 8, about Perth Amboy read.

Letter to Lord Romney signed.

Letter from Lt. Lilburn, St. John's. Sept. 22, to Mr. Thurston, read.

Letter from Mr. Bridges with memorials from Barbados Agents, received. That concerning ships of war carrying off servants read. Representation ordered.

Nov. 14. Col. Handaside's memorial about the soldiers in Newfoundland considered. Directions given that he be informed that nothing further belongs to their Lordships in the matter.

Burgess' account of the pirate's attacking H.M.S. *Essex* prize read. Copy taken.

Enquiry of Burgess ordered with what countrymen the pirate was chiefly manned.

Letter to Mr. Lownds to remind the Lords of the Treasury that £150 be advanced upon the warrant of £1,000 for the incidents of the office.

Capt. Poyntz requested to dispatch his report about Tobago.

Enquiries of the Barbados Agents about Sta. Lucia and Tobago directed.

Letter to Dr. Cox ordered, saying that their Lordships being informed that he is transacting with some French Refugees about their going to Carolina, before this Board have made any report or H.M. any resolution, they desire him to lay before them the several things he promised relating thereunto.

Nov. 15. Letter from the Earl of Jersey about a ship from Venice to Guinea read. Letter to Mr. Urban Hall, sub-governor of the African Company, ordered, enquiring whether the Company are possessed of any port or land on the coast of Africa where they have right to exclude any foreign nation from trade. [*Board of Trade.* Journal, 12. *pp.* 240-246; *and* 96. *Nos.* 179-181.]

Nov. 14. **958.** William Popple to Wm. Thornburgh. The Council of Trade and Plantations desire you to let them know forthwith the names of the present Governors of North and South Carolina and the Bahama Islands, and whether any of them have had H.M. approbation. [*Board of Trade.* Proprieties, 26. *p.* 128.]

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Nov. 14. **959**. William Popple to Wm. Dockwra. The Council of Trade and Plantations desire you to let them know forthwith the names of the persons in whose hands the government of East and West New Jersey now is. [*Board of Trade*. Proprieties, 26. *pp*. 128, 129.]

Nov. 14. Whitehall. **960**. William Popple to Edward Littleton, William Bridges, Melisha Holder, Esquires, Agents of Barbados, asking for a return of the number of Blacks judged to have gone off the Island of Barbados to Santa Lucia or Tobago within the last three years. [*Board of Trade*. Barbados, 45. *p*. 1.]

Nov. 14. Chief Office, Penny Post. **961**. William Dockwra to William Popple. I hope to get a Committee of the Proprietors [*of the Jersies*] together in a few days and then an hour shall not be lost. *Signed*, Wm. Dockwra. *Endorsed*, Recd. Nov. 15. Read Nov. 16, 1699. 1 *p*. [*Board of Trade*. Proprieties, 4. *No*. 20.]

Nov. 14. **962**. Col. Handaside to the Council of Trade and Plantations, praying that Lord Ranelagh's letter about some hardships suffered by a detachment of Col. Gibson's regiment be taken into consideration and a representation to His Majesty made thereon. *Endorsed*, Recd. Read Nov. 14, 1699. 1 *p*. [*Board of Trade*. Newfoundland, 3. *No*. 154.]

Nov. 14. Whitehall. **963**. Earl of Jersey to Council of Trade and Plantations. The King directs that the enclosed letter be referred to your lordships for your opinion, and that you prepare drafts of letters to the Governors of H.M. Plantations in the West Indies to acquaint them with what Mr. Broughton writes and to give them such directions as to your lordships shall seem proper. *Signed*, Jersey. *Annexed*,

Nov. 6 N.S. Venice. 963. I. Mr. Broughton, Consul at Venice, to the Earl of Jersey. I am informed that a ship is fitting out of this port, called the *Golden Cross*, two Venetians that are brothers are owners thereof, and one of them called Capt. Biazio Valentini is Commander, and will be ready to sail hence in few days for Guinea. An English engineer, Mr. Pearson, a very ingenious man, hath been the chief director in fitting up the said ship for the voyages, and Mr. Cranford, a Scotch merchant (*concerned in the Sea Flower affair*), is to be the manager in the voyage and trade, and both go on the ship, having picked up an English mate and some seamen, who have been in the State's service. I know not what colours they intend to carry. A noble Venetian, Signor Morosini, is an encourager and protector of this design. He bears great sway and is of great reputation in this government. He used often to invite Capt. Phippard (*of the Sea Flower*) and Mr. Cranford to dinner at his house and made them bring their sea c(h)arts, maps and journals to show him. Cranford was the interpreter in Latin; and ever since hath practised and been entertained at Morosini's house, though lodgeth at another neighbour's to prevent all suspicion of their

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contrivance together. I intend to discourse the noble Morosini about the premises, and to acquaint him, as Mr. Blathwayt wrote me, that the King will hope such designs can receive no countenance from this State or any other Prince in amity with His Majesty. I will add that the King will much less think any particular noble or member of this State will venture alone to promote and patronize such a design so prejudicial unto His Majesty's interest, and will do all I can to divert a secret design so far advanced under colour of going to Spain. Capt. Phippard's pass and licence from the Deputy-Governor of Antigoa serves only to the Leeward Islands, therefore it may be very requisite that orders be sent unto all the Governors in all the Plantations and Colonies that for the future when they grant any passes, they shall serve only and solely for such or such a voyage, and that they shall not in any wise give passes that may be prejudicial to H.M. Customs, navigation or any privileges or charters granted by the King. *Signed*, Broughton. [*Board of Trade.* Trade Papers, 14. *pp.* 362-366.]

Nov. 15. Whitehall. **964.** William Popple to Urban Hall, Sub-Governor of the Royal African Company. Notice having been given of a design carrying on at Venice to set on foot a trade from thence to Guinea, I am to enquire whether the Company are at present possessed of any Port or Tract of Land upon the Coast of Africa where they have right to exclude any foreign nation from trade. [*Board of Trade.* Trade Papers, 14. *pp.* 366, 367.]

Nov. 15. **965.** Copy of Col. Edward Fox's Commission to be Lieut.-General of the Leeward Islands. *Signed*, Jersey. *Endorsed*, Communicated by Col. Fox to the Board. Recd. Read Nov. 28, 1699. 2 *pp.* [*Board of Trade.* Leeward Islands, 6. *No.* 43; *and* 46. *pp.* 10, 11.]

Nov. 16. **966.** Abstract of the title of Daniel Coxe to the Province of Carolana Florida. *Traces from Sir R. Heath.* ¾ *p.* *Endorsed*, Recd. Read Nov. 16, 1699. [*Board of Trade.* Proprieties, 4. *No.* 22.]

Nov. 16. **967.** A demonstration of the just pretentions of the King of England to the Province of Carolana *alias* Florida.

Account of voyages and discoveries there, 1497-1698.

Sebastian Cabot in 1497 discovered all the coast of America fronting the Atlantic Ocean from the degrees of 56 to 28 of north latitude, twenty years before any other Europeans, as appears from the Spanish historians themselves. About 20 years after the southern part of this Continent, adjacent to the Gulf of Bahama, and that afterwards styled the Gulf of Mexico, was visited first by the Spaniards commanded by Juan Ponce de Leon ; ten years after Vasques Ayllon landed upon it with a more considerable force, and in 1527 Pamphilo Narvaiz with a greater, and in 1539 Ferdinando Soto. But their enormous cruelties did so enrage the natives that they successively expelled them, and these pretended conquerors

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cannot have a much worse character bestowed upon them by their enemies than they receive from their own historians. The last expedition of the Spaniards unto that part of Florida, now Carolana, which borders upon the Gulf of Mexico was in 1558, by the order of Don Luys de Velasco, then Vice Roy of Mexico. But the Spaniards, after their arrival, falling into great feuds, returned without making any settlement, nor have they ever since made any upon this vast continent, excepting that of St. Augustine, situated upon the North Sea between the 29th and 30th degrees of latitudes, above 1,200 miles from Pamuco, their nearest habitation to the West, which is 60 leagues from Mexico.

The French indeed attempted a settlement about 14 years since at a place they named St. Louis' Bay, not far from Pamuco, but were soon dispersed. And again last year under M. Iberville, and built a fort on the West and least branch of Mechasy, leaving there about 40 men, both places being to the south of the bounds of this patent. King Charles I. in the 5th year of his reign granted unto Sir Robert Heath, his Attorney General, a patent of all the part of America from the River Matheo, lying under 30 degrees North latitude, unto the River Passo Magna in 36 degrees, extending in longitude from the North or Atlantick Ocean unto the Pacific or South Sea, not then being in the actual possession of any Christian Prince or State. And no part of this grant was then nor since in such possession, excepting St. Augustine and New Mexico, a great Province not inhabited by above 600 Spaniards, unto which the English lay no claim.

Sir Robert Heath conveyed the premisses unto Lord Maltravers, soon after Earl of Arundel and Surrey, who at great expense planted several parts of the said country. In the beginning of the Protectorate of Cromwell, one Capt. Watts, afterwards knighted by Charles II. and made Governor of St. Christophers, falling accidentally upon the coast of Florida, and meeting with one Leet, an Englishman, who having divers years before been shipwrecked and the only man escaped, and then in great favour with the chief Paracousts or Roytelet of that country, by his influence the English were permitted to trade and kindly invited to settle there. Not long after the King sent one of his chief subjects Ambassador to England. The English had divers tracts of land given them by the Indians, surveyed the country, a map whereof is still in being of a great part of that Continent, above 200 miles square, and great numbers of persons engaged to contribute considerably towards the settling a colony of English, which original subscription is now in my possession, and they named divers places, especially rivers, harbours and isles, by the names of the captains of ships, chief traders and other circumstances relating to the English nation, as by the said map doth appear.

In 1668 Sir John Harman, returning from his expedition against the Dutch at Surinamme and the French at Caycune and Martinico, one of his ships making over to the coast of Florida, wanting fresh water and provisions, happened to fall into the mouth of the Mechasipi, went up above 100 leagues, settled a considerable time upon a river in about 33 degrees, which enters into the Mechasipi

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on the E. side, viewed the adjacent country, discovered two considerable mines, one of silver, the other of copper, and returned to give notice hereof with a map of the country, a copy whereof is ready to be produced. But meeting not that encouragement they expected, the benefit of the discovery was for that time defeated. In 1678 a considerable number of persons went from New England upon discovery and proceeded so far as New Mexico, 150 leagues beyond the River of Mechasipi, and at their return rendered an account to the Government at Boston, as will be attested, among many others, by Col. Dudley, then one of the Magistrates, afterwards Governor of New England. The war soon after breaking out between the English and Indians, many of the Indians who were in that expedition retreated to Canada, from whom Mr. De Salle received most of his information concerning that country by him afterwards discovered, and they served him for guides and interpreters, as is attested by Mr. Tonly, as also by Mr. De Clark in a book published by order of the French King, who accompanied Mr. De Salle, for which reasons and divers other passages favouring inadvertently the English pretentions, his Journal printed at Paris was called in, and that book of one *livre* price is not now to be purchased for 30 *livres*. The Five Nations in the territory of New York, commonly called Irocois by the French, who have above 30 years voluntarily subjected themselves to the King of England, had conquered all that part of the country from their own habitations to and beyond the Mechasipi, as Mr. Tonly more than once acknowledge(d), as also Father Clerke in his History of Canada, printed by order 1691, which therefore of right belong to the English. And they therein declare that in 1686 the French surprised a party of the English commanded by Major Macgriger, from whom I have also here in England had it confirmed, when we were at peace with the French, which English were accompanied by divers Irocois and Ovabaches, a nation who inhabit about the mouth of the Ohio, whose fountains are in New York, Pensilvania, Maryland and Virginia, and after a course of above 400 leagues meets with the Mechasipi, and being indeed the greater river of the two, most of the men being killed or taken prisoners.

The present Proprietary of Carolana, apprehending from what information he had received that the planting of this country would be highly beneficial to the English, endeavoured divers wayes to acquaint himself with the people and products thereof, discovered divers parts thereof, first, from Carolina by one Woodward, afterwards from New Jersey by the Sasguahana River, and had many of his people travelled to New Mexico, which Journal with a map relating thereunto he sent to Mr. Pen and could never recover, but perfectly remembers every material passage.

Soon after, the present Proprietary of Carolana and then of New Jersey made another discovery more southerly by the great River Ochequiton, and received an account of that country before altogether unknown, and whereunto the French to this day are utter strangers. The English wintered in a Peninsular situated in a lake, from whence proceeds one of the rivers which are reckoned among the heads of that large, beautiful river; in the spring they removed 300 miles lower to the great town of Wassett, which Indians were some of those had friendship and correspondence with the English in Cromwell's time, where they built a bark by the assistance of the natives, and came down the river 300 miles into the Bay of Apalachy in the Gulf of Mexico and thence to the Islands under the English, having first very much endeared themselves unto the Indians. The said Proprietary about the same time made another discovery, more to the N.W. beyond the River Meschasipi, of a very great sea or lake of fresh water several thousand miles in circumference, and of a great river at the S.W. end issuing out of it into the South Sea about the latitude of 44 degrees, which was then communicated to the Privy Council and a draft thereof left in the Plantation Office. And since we are assured the English have more fully discovered the said lake from the South Sea and entered it by shipping, they likewise discovered the great Gulph of Nova Albion to 60 degrees North latitude, as also the northern part or better half of the island of Calefornia, formerly discovered by Sir Francis Drake from 44 to 36 degr. N. latitude. And all that straite which separates it from the maine contracted friendship with divers nations of Indians, had a considerable trade with them for gold, silver and pearls, etc., from whence they passed over the great Bay and coasted all that great continent into the seas of Tartary and Japan. Divers other parts of the country were discovered by the English from several colonies long before the French had the least knowledge thereof, Col. Wood in Virginia, inhabiting at the falls of James River above 100 miles west of Chisapeake Bay from 1654 to 1664, discovered at several times several branches of the three great rivers, Ohio, Ochequiton and Mechasipi. I was possessed about 20 years ago of the Journal of Mr. Needham employed by Col. Wood, and it is now in the hands of Mr. Thomas Shepherd, merchant. The Earl of Shaftsbury made great discoveries by his agent, Mr. Percivall, to the Ohio and Ochequiton, one way, and the Howards Mechasipi, another. The Carolina Traders with the Indians are now and have long been as well acquainted with those parts as most of the English with the road from London to York, and have frequently travelled to the borders of New Mexico in their trading voyages, which they compute to be in a direct line 1,200 miles from Charles Town, the chief settlement in Carolina.

The English have not only surveyed by land the greatest part of Florida, now Carolana, but have been as industrious and successful in their attempts by sea. The present Proprietary 23 years ago was possessed of a Journal from the mouth of the Mechasipi to the Yellow or Muddy River, near 400 leagues. The Journal was in English and seemed to have been written many years before, together with a very large map. By modern Journals of English and French the most material parts of the map are confirmed. From a confidence in this Journal the English were encouraged to attempt further discoveries by sea and land, and the present Proprietary hath expended therein for his share only above £9,000.

In 1681 the English with three ships and 150 men searched all that coast from 100 leagues to the East of the Meschasipi to the River Plata, which is 120 leagues S.W. of the Meschasipi, and were a considerable time in the River Meschasipi, as Capt. Holt, now commander of a ship daily expected from Carolina, and divers

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others can witness. They took possession in divers places and designed to inhabit, but discord, the pest of many good undertakings, broke all their measures. These adventurers brought home with them an Indian from the Meschasipi, who lived afterwards six or seven years in Carolina, and gave as they believed such certain signs of a rich rack (*wreck*) upon the coast of Florida, that almost 200 persons in four ships sailed with the Indian in quest, intending to settle thereby. They arrived upon the coast Nov. 9, 1688, they ranged it to the westward until they entered the Meschasipi and were about fourscore leagues beyond it. They landed in divers parts of the main, killed many buffaloes, visited all the isles upon or near the coasts, many of the harbours and lagunes; they took possession of the country after the manner of the English. But when they came near the place where the Indian assured them they should find the wreck, he slipped from them, and they wanting their guide and interpreter, though many would have remained, the majority dissenting, they returned to Carolina, where many of them now reside, and Capt. Parkers, who did very accurately commit to writing the whole voyage.

In 1698 the present Proprietor did at his own expense set out two ships from England, each of 18 guns, well manned and victualled, ordered another, a Barcalonga, to be bought at Carolina, purpose built for that coast, and materials for another ship. One of the ships returning was unhappily cast away upon the English coast, but providentially the Journals were saved, tho' all the men were lost. The Journals contain an ample account of the country all along the coast, which they represent as the most pleasant in the world, and abounding with all things not only for necessity but for the comfort of humane life, and amongst many others have sent a draught of one of the most capacious and safe harbours in the universe, the most inviting place imaginable for building a town, and establishing a colony. 6¼ *pp.* *Endorsed,* Presented to the Board by Dr. Cox. Recd. Read Nov. 16, 1699. [*Board of Trade.* Proprieties, 4. *No.* 23.]

Nov. 16.
Whitehall.

968. Representation of Council of Trade and Plantations upon the complaint of the Barbados Agents praying that H.M. ships of war may not carry off from that Island any indebted inhabitant without his having his ticket according to the law of the country. We humbly represent to the King's Most Excellent Majesty that it is very fit the Laws of the Plantation be observed therein and that strict orders be given to the Commanders of H.M. ships accordingly. Your Majesty was pleased by Order in Council of March 9 to direct that the Lords Commissioners of the Admiralty should accordingly give instructions from time to time to the Commanders of your Majesty's ships which shall be sent to those parts. We recommend that strict directions be constantly given to them, not only in general to observe the laws of the Plantations relating to the carrying off of Debtors, but more especially in relation to indented servants. *Signed,* Stamford, Ph. Meadows, Wm. Blathwayt, John Pollexfen, John Locke, Abraham Hill. [*Board of Trade.* Barbados, 45. *pp.* 1–3.]

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Nov. 16. **969.** Minutes of Council of Virginia. Several public letters from England read. The Lords Justices' letter against illegal traders ordered to be signified to the Officers of Customs and Court of Admiralty. Mr. Attorney General ordered to prepare an oath for masters of ships to declare the true loading of their ships, especially as to bulk tobacco, together with an exact account of all passengers and their goods who intend to go in their ships, in order to prevent the great frauds now practised. Col. Philip Lightfoot, late Collector, ordered to deliver his books etc. to his successor, Edward Hill, junior. Proclamation for all persons to attend their causes at the General Courts ordered. Proclamation for the better enforcement of penal laws ordered. [*Board of Trade.* Virginia, 53. *pp.* 360-365.]

Nov. 16. Whitehall. **970.** Journal of Council of Trade and Plantations. Mr. Mears laid an affidavit about the imprisonment of Isaac Adderley before the Board, and promised to bring a memorial.

Letter from Mr. Secretary Vernon about Dr. Cox's petition read. Dr. Cox presented an abstract of his title to Carolana Florida, and promised an account of its natural products, etc. Mr. Attorney General's opinion of the validity of the title ordered to be consulted.

Letter and excuses of Mr. Dockwra, Nov. 14, and Mr. Thornburgh, read. Resolved that if no answer came in a few days to lay the matter, as it appeared to the Board, before H.M.

Representation about H.M. ships carrying off servants and debtors from Barbados signed.

Nov. 17. Letter to Mr. Attorney General, concerning the king's approbation of Governors of Proprieties, ordered.

Agents of Barbados attended and, as to Sta. Lucia and Tobago, replied in substance, that Tobago is hilly, unequal ground; the soil good, fruitful and fit to produce anything. The inhabitants of Barbados have made use of it these 20 or 30 years for timber, sending thither frequently every year for timber, as to a place which they understood belonged to H.M. Formerly they brought timber from Antigoa, but can now have none from thence, that island esteeming what they have left to be little enough for their own use. Without timber from Tobago it will be impossible for Barbados henceforward to carry on their sugar works. They wish the property of Tobago were vested in Barbados. It is certain the possession of it by strangers would be very ruinous to all H.M. Charribee Islands.

Concerning Sta. Lucia they said Barbados has also sometimes fetched timber from thence. As for the running away of negroes, either thither or to Tobago, they believed it was sometimes done, but could make no judgment of numbers. They promised a memorial on the whole matter.

Dr. Cox presented an Account of the Commodities of Carolana, etc. Letter to Mr. Attorney General delivered to him.

Account of Tobago by Capt. Poyntz read. [*Board of Trade.* Journal, 12. *pp.* 247-252; *and* 96. *Nos.* 182, 183.]

Nov. 17. **971.** Account of the Commodities of Carolana, *alias* Florida. 2¼ *pp.* *Endorsed*, Presented to the Board by Dr. Cox. Recd. Read Nov. 17, 1699. 2¼ *pp.* [*Board of Trade.* Proprieties, 4. *No.* 24.]

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Nov. 17. **972.** Attested copy of the grant of Carolana, *alias* Florida, to Sir Robert Heath. *Endorsed*, Recd. from Dr. Cox. Nov. 17, 1699. 34 *pp.* *Latin.* [*Board of Trade.* Proprieties, 4. *No.* 25.]

Nov. 17. **973.** Memorial of Captain John Poyntz, to the Council of Trade and Plantation, relating to the history of Tobago. *Note.* Mr. Pointz to prove the particulars underlined.

In the time of Queen Elizabeth the island was inhabited by the native Indians, on which the Spaniards had a small fort, when the *then Earl of Warwick*, having the command of a squadron of H.M. Royal Navy, did take *that fortress* from the Spaniards, and after *obtained some grant* from the Crown for the said Island. He dispossessed the Indians who retired to their neighbouring Metropolitan Island of Trinidado and for revenge made many incursions by night, whereon the Earl *quitted his possession* of Tobago, and in the time of King James I. with those remaining families not destroyed by the Indians planted themselves on Barbados. Tobago lay deserted of any inhabitants for diverse years, at which time King James and the then Duke of Courland married Ann and Mary, the two Princesses of Denmark, and King James being godfather to the young Prince of Courland, he bore his name, and the Duke his father desired to purchase of King James in the name of his son James, the young Prince, the island of Tobago, to be held and enjoyed under the protection of the Crown of England. Whereon the *Earl of Warwick sold his interest in Tobago to Prince James*, after Duke of Courland, who thereon sent a squadron of ships *and took the possession of Tobago.* But treating the Indians with too much severity, they made the Courlanders also weary of their new Plantation, who thereon *gave leave to one Minheer Lampson of Zealand*, under a tribute, to settle a factory on Tobago. About 1658 the King of Sweden making war on the Duke of Branderburgh desired passage for his forces through Courland, which being denied by force of arms, he entered and overran Courland and carried the Duke prisoner to Swedeland. About 1658, all things being in disorder and confusion in Courland, the said Lampson usurped Tobago to himself, and on capitulation *got some instrument of sale and surrender* from the Courlanders then remaining on Tobago. About 1665, war breaking out between England and Holland, and Tobago being then in the possession of the Dutch, they thereby did very great damage to the islands of Barbados, Nevis, Antego, Monserat, St. Christopher's, etc., where we lost about 310 merchants' ships, whereon Sir John Harman was despatched with a squadron, who took *Surinam from the French and Tobago from the Dutch*, and destroyed their plantations. About 1664 His Majesty of Swedeland restored the Duke of Courland to his dukedom, and thereon *by agreement between King Charles II. and the said Duke, dated Nov.* 17, 1664, *inter alia*, His said Majesty did grant to the said Duke his heirs and successors the Island of Tobago, to be held under His Majesty's protection. Yet at the close of the Dutch wars, I suppose for want of a due claim made by the Duke of Courland, or on supposition that the Duke had sold the same to the Dutch, *Tobago was given to the Dutch*, who held it till about 167$\frac{6}{7}$, when the war broke out between England, France and Holland, and then the *English took Tobago from the Dutch* and on concluding a peace the said *island was restored to the Dutch*, but the war continuing between France and Holland, the French after took Tobago from the Dutch. Thereon the Duke of Courland made his claim both at the Court of England and France, and at the making of peace between the French and Dutch, the Dutch were to have all lands taken from them by the French restored to them. And all parties making any pretensions to Tobago left it to the *Arbitrament of the French King, who, finding that the Dutch had usurped the said island, he awarded that the Dutch should renounce their claims to Tobago*, which they accordingly did. Thereupon the Duke of Courland in the year 1679 took possession again of Tobago, but by their severity to the Indians, they again made the Courlanders very uneasy. In 1678-1679 I made several voyages from Barbados to Tobago, where, meeting the Emperor of Trinidado going on his procession with some thousand of his vassals, the Emperor desired he might come on board me, which I granted only with one Periago and no more. I treated the Emperor, his Empress, his War-Captain, and his wife and all their children very nobly, whereon the Emperor earnestly desired me to be instrumental to procure a perpetual peace for him and his vassals, who are very numerous, with the English; for which his zeal was so great that he committed his only son and his War-Captain's son to my charge, who I carried to Barbados, and represented the Emperor's inclinations to the Governor there. Whereon the governor clothed the emperor's son and his attendant the War-Captain's son in cloth of gold and silver, and diverted them by showing them the splendour of Barbados, and in 3 days after I returned with them to Trinidado, where, to express their thankful acknowledgements of my kindness, they presented me with diverse rich presents, and the Emperor ever after gave his son my name and title, who, if living, is called Captain John Poyntz to this day, and the War-Captain's son was called by the name of Thomas Clark, my then mate, and the Emperor enjoyned me to go for England and to get the Island of Tobago from his then Majesty or whom else had the property thereof, and they would become our vassals for ever, and desired to live amongst us. In 1681 I began and ended a treaty about the same with the then Envoy of Courland for 12,000 acres of land on Tobago for myself and Company, with liberty of conscience for all persuasions save Roman Catholics, which was after ratified and confirmed by His Highness, James, then Duke of Courland, and corroborated under the Ducal Seal of Courland. After, myself and Company equipped a stout ship with all necessary provisions for this expedition, but heard that the Duke of Courland was dead and that he had left his youngest son Lord of Tobago, which was afterwards contradicted, the Duke having annexed the island to the dukedom of Courland to be enjoyed by the Duke, his heirs and successors with the Dukedom. Hereon the eldest and youngest brother differing, the youngest brother went into Germany and carried with him all the writings relating to Tobago, and there died; but before his death Prince Frederick the then Duke sent letters to Abraham Maryne, the envoy of the said duke then resident at the Court of

England, to inform me that he would not ratify the articles that his father had made, and engaged the interest of the then Duke of York against me, who, taking offence because Roman Catholics were excluded from settling at Tobago, espoused the pretensions of Frederick, the then Duke of Courland, against me. Whereon a warrant from the Council Board was directed to the Admiralty to stop the ship equipped by myself and company for this expedition, by which we received divers thousands of pounds damage, and notwithstanding all possible endeavours could not be redressed. Hereupon Duke Frederick having thus far prevailed at the Court of England to put a stop to our intended voyage, provided five ships of good force with divers hundreds of men, but, as Providence ordered it, two of the greatest miscarried in the Baltic Sea. The other three proceeded on their voyage North about Scotland, and off the Island of Orkney the third great ship was cast away, but, the two remaining ships arrived at Barbados with recommendation from his then Majesty and the Duke of York to be supplied with necessaries, who applied themselves to Col. Edwin Steed, the then Deputy-Governor, (the Governor being then in England), who, not hearing of my stop, by my order had sent — hundred men to take possession of Tobago on my title and intended to have sent 400 more, but enquiring of the Courlanders for me, who acquainted him that the Duke of Courland had stopped my voyage, and would not ratify what his father had done, whereon the Deputy-Governor called back the men he had sent, and in obedience to the letters from His Majesty and the Duke of York he supplied the Courlanders with what necessaries Barbados afforded, and the two ships proceeded on their voyage for Tobago. The Emperor of Trinidado having notice of my intentions for Tobago, observing two ships in Courlanders' Bay, concluded I was come. The Emperor and divers hundreds of his vassals, men, women and children, with music and flags and great rejoicings, came to welcome me to Tobago to which they had formerly invited me, and had articles to give me a greater tract of land in Trinidado than all Tobago, but the Indians, attempting to land on a little fort which the Courlanders had fortified, soon found their mistake, the Courlanders firing their ordnance on them that they had just then planted, and killed many of their number, of men, women and children, on which they hastily retired. The Emperor, hearing from Barbados that I was stopped in England, and that it were the Courlanders that fired on his people, resolved revenge on them, and by lying in ambush took frequent opportunities to cut off the Courlanders, which made them quit their possession of Tobago. One of the two remaining ships went for Jamaica and the other for New England, and both were either sold or pawned for their men's subsistence. This relation I had from Mr. Lucas Lyons, then Resident of the late Duke of Courland at the English Court, which his papers and letters, which may be had from his widow, will evidence.

About 1692 Frederick Duke of Courland sent to Mr. Lyons to know what I intended to do about his father's grant, to which I answered, that whereas he had caused me to be stopped, declaring that he would not ratify his father's grant, though it was ratified by his father, so he ought to take off that stay he had made that I

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might proceed on my intended voyage. He asked for a copy of his father's grant, which for some time I denied, insisting that the Duke had my counterpart by him, but Baron Bloombergh assured me he had not, but that his father gave Tobago to his youngest brother. I sent the copy and the Duke sent me divers kind letters written with his own hands, which are ready to be produced. By reason of the war, the Duke, being a neutral Prince, advised I should not proceed on my voyage, lest the French should take Tobago and the Duke's interest thereby be in danger. I desisted therefore. The war being now over, by God's permission and with His Majesty's leave and approbation, myself and Company intend to proceed on our expedition, having resolved to make such a settlement of Tobago as may be very advantageous for the interest of England, and Courland, and the security of His Majesty's neighbouring Plantations in time of war, for the advancing His Majesty's Revenues, for the increasing of navigation, for the making a large additional endowment to the late erected Hospital at Greenwich, for the making a perpetual peace with the Emperor of Trinidado, for the better employing the poor of the Kingdom and making provision for the French refugees, and for the establishing of a very considerable fund for the promoting of those four capital charities, viz., the Conversion of the Indians to the Christian Faith, for the better suppressing vice and debauchery in all parts of the nation, for the augmentations to the indigent clergy in small vicarages, and for the endowing an Hospital for the relief of all the blind poor in and about the cities and suburbs of London and Westminster to perpetuity that by any Act of Providence are deprived of their sight. On this Charitable Foundation myself and Company desire to settle the Plantation of Tobago and the Government thereof by such Laws and Constitutions as His Majesty's Attorney General etc. shall advise, and under such Governors as His Majesty shall think fit to recommend to the Court of Courland. We will treat for the remaining part of the island, to reduce the whole under one and the same constitution and government. *Signed*, John Poyntz. *Endorsed*, Recd. Read Nov. 17, 1699. Presented to the Board by Poyntz himself. 6 *large pp.* [*Board of Trade.* Barbados, 8. *No.* 27; *and* 45. *p.* 3.]

Nov. 17. **974.** William Popple to Sir Thomas Trevor, enclosing abstract of Dr. Cox's title to the Province of Carolana Florida and asking for his opinion. [*Board of Trade.* Proprieties, 26. *p.* 130.]

Nov. 18. Boston. **975.** Governor the Earl of Bellomont to the Council of Trade and Plantations. According to your commands, Aug. 26, '97, [*q.v.*] I prevailed with the governments of Conecticut and Rhode Island to appoint Commissioners against my going to Rhode Island, in order to adjust the bounds in the Naraganset Country, *alias* King's Province, and also to come to an accommodation about the point of jurisdiction over it, which has been so long in contest. I did all I could to dispose them to an amicable composure and spent a whole morning hearing their claims, all which was managed with great heat and brought to no conclusion. All I could do was to get out of their hands some papers which I send. I enjoined both parties to send

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agents to England as soon as conveniently they could, according to your instructions, and also required bonds from the Governors. Finding that a penalty of £5,000 was frightful to Gov. Winthrop, I accepted of his obligation in £3,000 and the like from Gov. Cranston. *Signed*, Bellomont.

Nov. 21. *P.S.* I find that upon application made to King Charles II. by the inhabitants of Naraganset, he granted a commission to Col. Richard Nicholls and others, Ap. 25, 1664. No doubt their report may be found in some of the offices at Whitehall or with Mr. Blathwait. I am told those Commissioners it was that gave the name of King's Province to the Naraganset Country, finding that neither Conecticut nor Rhode Island Colonies had any right of government over it. There was another commission, Ap. 7, 1683, appointing Edward Cranfield and others for the same end. I have their report, Boston, Oct. 20, 1683. They declare the right of jurisdiction over the Naraganset country to be in the Colony of Connecticut, and advise the King not to suffer it to be under Rhode Island, since no people of good reputation will care to settle under so loose and weak a Government. I find that the late K. James did not believe or would not allow that either of the Colonies had the right of jurisdiction. A commission in the first year of his reign subjects the Naraganset country with this and other colonies under the Government of a President and Council, and Col. Dudley is therein appointed President. A commission in the following years appointed Sir Edmund Andros, Governor of the same colonies, including Naraganset: in the fourth year of his reign a new commission gave Sir E. Andros the government of the forementioned colonies and also of Rhode Island, Conecticut, N. York and both the Jerzies. I believe it will be found there was an actual surrender of the Rhode Island Charter to King James, and I am told 'twas done with all the solemnity that could be, viz. by the Government in General Assembly, but it seems the record of it is surreptitiously done away with—a common practice with that Government. *See enclosures.* I am told Sir E. Andros required the seal of the Colony from 'em and broke it, which, if true, may easily be known from himself, being now in London. If there was such a surrender I cannot conceive how the people of Rhode Island could legally re-assume the exercise of their former Government without a new Charter or some authority from his present Majesty, to revive and enforce their old one; but I cannot hear they have had either. *Signed*, Bellomont. *Endorsed*, Recd. Jan. 19. Read Feb. 21, $\frac{1699}{1700}$. 4 *large closely written pp.* *Enclosed*,

975. I. Abstract of preceding letter. 2 *pp.*

975. II. Copy of Charter of Connecticut granted by Charles II. 11 *pp.* *Endorsed*, Recd. Jan. 19, $\frac{1699}{1700}$.

975. III. State of the case as to the Government of Narraganset Country by the Commissioners of Connecticut, Sept. 26, 1699. The country is included in Charles II's Charter to the Governor and Company of Connecticut, Ap. 23, 1662. Its bounds were fixed on the East as Narraganset River commonly called Narraganset Bay. The contention of Rhode Island that a river called Pawcatuck, which lies westward of the Narraganset

Country, is the aforesaid Narraganset River and Bay cannot be admitted. Answers to the objections raised by the Commissioners of Rhode Island. *Signed*, Saml. Mason, James Noyes, G. Saltonstall. *Copy.* 5 *pp.* *Endorsed*, Jan. 19, $\frac{1699}{1700}$.

975. iv. Copy of letter from Charles II. to the Government of the Massachusetts, Plymouth, Newhaven, and Connecticut Colonies. Tho. Cheffinch, John Scott, John Winthrop, Daniel Davison, Simon Brodstreet, Thomas Willet, Richard Smith, Edward Hutchinson, Amos Richardson, John Alcock, Wm. Hudson and their associates having in the right of Major Atherton a just propriety in the Narraganset country, and being desirous to improve it in an English Colony, are yet daily disturbed by certain turbulent spirits of Providence Colony in New England. We therefore recommend the said proprieties to your neighbourly kindness and protection, that the Proprietors be permitted peaceably to improve their colony and plantations in New England. *Signed*, Henry Bennet. *Copy.* 1 *p.* *Same endorsement.*

975. v. Memorandum of copy of Rhode Island Charter, July 8, 1663. ½ *p.*

975. vi. Case of Rhode Island and Providence Plantations, as to the bounds between this and the Colony of Connecticut. In 1660 the General Court of Rhode Island appointed John Clarke, physician, to be their agent, and he in 1661 obtained a patent incorporating Rhode Island and Providence Plantations. At the same time Mr. John Winthrop obtained a patent for Connecticut Colony, wherein through misinformation some things were granted much to the prejudice of the Providence Plantations. Thereupon the patent was recalled. Messrs. Clark and Winthrop appointed Wm. Brereton, Major Robt. Thompson, Capt. Richd. Deane, Capt. John Brookhaven and Dr. Benjamin Worsley to settle the bounds and matters in dispute. They unanimously agreed (i) The river known by the name of Pawcatuck should be the certain bound between the colonies and should for the future be also called *alias* Narraganset River. *Three other provisions.* To this the Agents agreed, Ap. 17, 1663, and the Colony of Rhode Island and Providence Plantations was incorporated accordingly. *Signed*, Walter Clarke, Joseph Sheffield, Tho. Olney, Wes. Clarke. *Copy.* 5½ *pp.* *Same endorsement.*

975. vii. Copy of John Winthrop's agreement with John Clarke, Ap. 7, 1663. 1 *p.* *Same endorsement.*

975. viii. Copy of the authority given by Rhode Island to John Clarke to act as their agent. Oct. 18, 1660. *Signed*, William Brenbon, President. 1 *p.* *Same endorsement.*

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975. ix. Abstract of commissions granted by James II. to Col. Dudley and Sir Edmund Andros, relating to the government of Narraganset Country, etc. 1½ *pp.* *Same endorsement.*

975. x. Peleg Sanford to Lord Bellomont. Newport, Nov. 20, 1699. Capt. Coddington cannot find the resignation of the Rhode Island government to the King, nor the sending of Major John Green to England upon the same errand upon record. This in some measure manifests the method of Government here. I send two copies of what I had by me and a gazette, all signifying the surrender of the Charter. I have seized some pirates' effects here. *Copy.* 1 *p.* *Same endorsement.*

975. xi. (1) Copy of an instruction from James II. to Sir E. Andros to demand the surrender of the Rhode Island Charter. Sept. 13, '86. *Signed,* Sunderland.

(2) Copy of letter from James II. to Sir E. Andros granting the inhabitants of Rhode Island liberty of conscience and other privileges in consideration of the free surrender of their Charter, March 11, 1687. *Signed,* Sunderland. 1 *p.* *Same endorsement.*

975. xii. Extract from the *London Gazette,* Windsor, Sep. 13. 1686. The King accepts the surrender of the Charter of Rhode Island. ½ *p.* *Same endorsement.*

975. xiii. Minute of Council of Massachusetts Bay, Boston, Dec. 30th, 1686. Sir E. Andros demanded of Walter Clarke and the members of Council for Rhode Island that their charter should be brought and given in charge of the Secretary. 1 *p.* *Same endorsement.*

975. xiv. Lord Bellomont to Governor Cranston, Boston, Oct. 16, 1699, advising the cessation of all distraining for taxes in the Narraganset Country till the differences between the two colonies are settled; and again asking for the Journal of Assembly. *Copy.* 1 *p.* *Same endorsement.*

975. xv. Governor Cranston to Lord Bellomont. Newport, Oct. 23, 1699. How we shall levy a tax upon one part of the Colony and not upon another, I am wholly to seek. We have had actual possession and government of Narraganset Country for upwards of 40 years. Besides, Connecticut's claim is not only to it but to all the rest of the towns on the main land within this Colony, so that there is much reason to forbear taxing them too, and if so we must let fall our Government. *Copy.* 1 *p.* *Same endorsement.*

975. xvi. Act of Assembly of Rhode Island (Newport, May 5 and June 29, 1686) for surrendering their Charter and not standing suit with the King but addressing H.M. to continue their privileges and liberties. 1 *p.* *Same endorsement.*

975. xvii. Certificate of Francis Brinley, Peleg Sanford, Nath. Coddington. Newport, Nov. 25, 1699. Those in authority did deliver up to Sir E. Andros the seal of

the Colony of Rhode Island and Providence Plantations, which was the anchor. Soon after their reassuming their Government they caused a seal to be made like the former one. *Copy.* ½ *p.* *Same endorsement.*

975. XVIII. Bond of Governor FitzJohn Winthrop to the King in £3,000. Sept. 26, 1699. *Signed*, J. Winthrop. *Seal. Witnesses*: Bellomont, Isa. Addington, Isa. Taylor. 1 *p.* *Same endorsement.*

975. XIX. Similar Bond of Governor Cranston. *Seal. Same date, witnesses, and endorsement.* 1 *p.*

975. XX. (1) Petition of Peter Ayrault. Petitioner, a French refugee, with 40 other French families was placed in the Narraganset Country by some chief men in Boston assisted by the King's authority. Our settlement was interrupted and molested by our neighbours, so that the plantation is now deserted by all save petitioner. He prays for protection. Newport, May 19, 1699. *Copy.* 1 *p.*

(2) List of further injuries and persecutions inflicted on petitioner by the Greenwich men, Sept. 27, 1699. *Copy.* ½ *p.* *Same endorsement.* [*Board of Trade.* Proprieties, 5. *Nos.* 3, 3 I.–XX.; *and* (*without enclosures*), 26. *pp.* 168–176.]

Nov. 18. **976.** Petition of John Woollaston to the King to be employed in the Government of Bermudas, likely to be suddenly vacant. 1 *small p.*

977. Testimonial as to the fitness of Dr. John Woollaston. Signed "Bergevenny" and 26 other signatures. 1 *p.* [*Board of Trade.* Bermuda, 3. *Nos.* 55, 55 I.]

Nov. 20. **978.** William Popple to Sir Thomas Trevor. The Council of Trade and Plantations having under consideration that part of the late Act of Parliament for Preventing Frauds and Regulating Abuses in the Plantation Trade, which relates to H.M. approbation of the Governors and observing a difficulty in the execution thereof with respect to the Proprieties and Charter Governments, especially such whose Governors are chosen annually in the Plantations, desire your opinion whether H.M. may not empower Lord Bellomont by name or the Governor of New England or the Governor of any other neighbouring Plantation for the time being without name, to approve or disapprove any of the said Governors of Proprieties or Charter Governments from time to time. [*Board of Trade.* Proprieties, 26. *pp.* 130, 131.]

Nov. 20. Whitehall. **979.** Journal of Council of Trade and Plantations. Capt. Norris, desiring recompense for his services at Newfoundland, was directed to bring in a Memorial.

Letters to Mr. Thornburgh and Mr. Dockwra ordered, calling for immediate answers.

Messrs. Perry, Haistwell and Goodwin, merchants, promised a memorial about pirates on the coasts of America.

Letter to Attorney General about the King's approbation of Governors approved.

Mr. Attorney General's answer in the matter of Richier v. Trott read. Representation ordered.

Nov. 21. Letter from Col. Blakiston, Maryland, Aug. 16, and Mr. Laurence, Sec. of Maryland, Sep. 7 read. Copy of the Address enclosed taken. Letter to transmit the original to Lord Jersey ordered. Concerning the Laws sent, there occurring some difficulty in the method which has been taken for the reviving of them, whereby some are abrogated, others altered and re-enacted, and all by one single Act, which makes them all to be but as one single law, consideration deferred.

Col. Handaside given copy of the Minute of the Board about himself Nov. 14, and Lord Ranelagh's letter Sep. 29.

The two first pages of Capt. Poyntz' Memorial about Tobago ordered to be underlined, and he to be desired to inform the Board what proofs he has of the particulars so underlined or where those proofs may be had. [*Board of Trade.* Journal, 12. *pp.* 253-257; *and* 96. *Nos.* 184, 185.]

Nov. 21. **980.** William Popple to William Thornburgh. The Council of Trade and Plantations observe the delays made in a matter which neither seems to require any nor will admit of any. Unless they receive direct answers to the letters I writ you Oct. 25 and Nov. 14 by this day sennight, they will take such silence for a denial to answer and thereupon make the report required from them to His Majesty, as they find cause without it. [*Board of Trade.* Proprieties, 26. *p.* 131.]

Nov. 21. **981.** William Popple to William Dockwra. *To same effect as preceding abstract.* [*Board of Trade.* Proprieties, 26. *pp.* 131, 132.]

Nov. 21. **982.** Minutes of Council and Assembly of New Hampshire. Enquiry into a riot by some seamen ordered. Elizabeth Redford, in whose house it began, forbidden to sell drink or keep a public house for the future. Bill for raising £460 for defraying the public charge was read three times and sent down to the Representatives, who came up and consented to it. Payments to the garrison ordered. Petition of Elizabeth Redford read. The Assembly was prorogued till May 1. [*Board of Trade.* New England, 49. *pp.* 565, 566.]

Nov. 22.
Whitehall. **983.** Council of Trade and Plantations to the King. As to the petition of Isaac Richier, Mr. Day informs us that he took Richier's bond with security in £2,000 to abide by your Majesty's determination upon his appeal in Council. Trott has not been in the Bermuda Islands since your Order in Council, May 17, 1697, which relates only to what was to be there executed. We do not find it has been the practice to demand security here from a respondent in appeals from your Majesty's Plantations, as Trott now is. We add our humble opinion that your Majesty be pleased to appoint a day for hearing the cause in Council. *Signed*, Stamford, Phil. Meadows, Wm. Blathwayt, John Pollexfen, John Locke, Abr. Hill. [*Board of Trade.* Bermuda, 29. *pp.* 240-242.]

Nov. 22.
Whitehall. **984.** Council of Trade and Plantations to the Earl of Jersey, enclosing the Address of the Council and Assembly of Maryland for

presentation to His Majesty. *Signed*, Stamford, Ph. Meadows, Wm. Blathwayt, John Pollexfen, John Locke, Abr. Hill. [*Board of Trade.* Maryland, 9. *pp.* 435, 436.]

Nov. 22. **985.** Memorandum of letter from Council of Trade and Plantations to Capt. Poyntz asking for proofs of some things contained in his memorial. [*Board of Trade.* Barbados, 45. *p.* 3.]

Nov. 22. Boston. **986.** Governor the Earl of Bellomont to the Council of Trade and Plantations. On the 8th inst. Col. Allen, late Governor of N. Hampshire, delivered me an information on oath that he was told Mr. Partridge, the Lt.-Gov., Mr. Hincks, Mr. Holland and Mr. Plaisted had shipped a great quantity of ship-timber on board the *Friends' Adventure*, belonging to Mr. Partridge, for Portugal. I was alarmed and vexed, not knowing whether it might not be converted to the use of the French King when it came to Lisbon, and judging it improper to furnish the King of Portugal either with ship-timber without the King's leave. I therefore immediately writ to Mr. Partridge and to the Dep. Collector and Naval Officer to stay the ship till further order. I do not find there is any law for hindering the transportation of any sort of timber from these Plantations to foreign countries, though there had been good reason of State in this case. I should certainly have detained the ship, but it appearing from the invoice of the ship's loading that the quantity of timber was not so great as was informed by Col. Allen nor the scantlings so large neither, I thought it best for this time to suffer her to proceed, after consulting Mr. Bridger and Mr. Jackson. I think it by no means proper to suffer any ship-timber to be transported from H.M. Plantations to foreign countries, and till I receive your Lordships' orders I will suffer none of any size or scantlings whatsoever to be carried out of the Provinces under my government. Mr. Partridge, I am told, sent a parcel of ship-timber from Pescattaway to Portugal last year, and other ships have been sent from this place with ship-timber, which has passed under the notion of lumber, and the Custom House officers have not stopped it, because there's no Act of Parliament that prohibits it. Mr. Partridge and Mr. Holland being Purveyors for the King in the business of Naval Stores, it ill becomes them to be concerned in the misapplication of ship-timber. *Signed*, Bellomont. *Holograph.* 1 *p.* *Endorsed*, Recd. Jan. 19, Read Jan. 31, $\frac{1699}{1700}$. *Enclosed*,

986. I. Deposition of Samuel Allen, Boston, Nov. 8, 1699, about Mr. Partridge shipping timber to Portugal. 1 *p.* *Endorsed*, Recd. Jan. 19, $\frac{1699}{1700}$.

986. II. Copy of Lord Bellomont's letter to Mr. Partridge, Boston, Nov. 9, 1699. $\frac{1}{2}$ *p.* *Same endorsement.*

986. III. Copy of Lord Bellomont's letter to the Dep. Collector and Naval Officer, stopping the *Friends' Adventure*, Boston, Nov. 9, 1699. $\frac{3}{4}$ *p.* *Same endorsement.*

986. IV. Wm. Partridge to Lord Bellomont. Portsmouth, Nov. 11, 1699. I will observe your commands and am coming to wait upon you at Boston. *Copy.* $\frac{1}{2}$ *p.* *Same endorsement.*

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986. v. Lord Bellomont's Order to Mr. Sheaf to restrain the *Friends' Adventure*, Boston, Nov. 14, 1699. *Copy.* ½ *p. Same endorsement.*

986. vi. Sampson Sheafe to Lord Bellomont. Newcastle, Nov. 12, 1699. *Copy.* ¾ *p. Same endorsement.*

986. vii. Wm. Partridge to Lord Bellomont. I enclose an attested invoice of the ship's loading. I am well satisfied I have done nothing prejudicial to the King's service. Portsmouth, Nov. 17, 1699. *Copy.* ¾ *p. Same endorsement.*

986. viii. Invoice of the timber on board the *Friends' Adventure*, John Wentworth, Commander. Attested by Henry Sherborn, mate, and Wm. Follet, boatswain. Portsmouth, Nov. 17, 1699. 1 *p. Copy. Same endorsement.*

986. ix. Certificate of J. Bridger and Benjamin Jackson that the timber on board the *Friends' Adventure* is not fit for H.M. service to build great ships. Boston, Nov. 15, 1699. *Copy.* ½ *p. Same endorsement.*

986. x. Lord Bellomont to Mr. Partridge. I send you an order to Mr. Sheafe and Mr. Eastwick to clear your ship. I would advise you not to ship hereafter any manner of ship-timber to any foreign country till I know the King's pleasure. Boston, Nov. 21, 1699. *Copy.* ¼ *p. Same endorsement.*

986. xi. Copy of Order referred to in preceding. 1 *p. Same date and endorsement.* [*Board of Trade.* New England, 10. *Nos.* 2, 2 i.-xi.; *and* (*without enclosures*), 37. *pp.* 263-267.]

Nov. 22. **987.** Minutes of Council of Massachusetts Bay. Assembly further prorogued till Feb. 7. Capt. Cyprian Southack's account for the *Province* galley ordered to be paid. Various accounts adjusted and paid. Tonnage powder ordered to be lodged part at the Castle and part at the Sconce or Fort in Boston. Capt. Silvanus Davis' report of the Indians about Cascobay being uneasy and imperious referred by H.E. to the consideration of the Board. [*Board of Trade.* New England, 49. *pp.* 257, 258.]

Nov. 22. Whitehall. **988.** Journal of Council of Trade and Plantations. It being observed that Col. Ludwell of Virginia did on Nov. 3 present to H.M. an address from the General Assembly, whereof no copy has been communicated to this Board, ordered that the Governors of all the Plantations be advised to send the copies of any such addresses as well as of all other public proceedings in their governments, pursuant to their instructions.

Letter to Lord Jersey enclosing address of Council and Assembly of Maryland to H.M. signed.

Representation about Messrs. Richier and Trott signed.

Further Representation about pirates in the West Indies ordered.

Nov. 23. Representation about the state of the Maryland laws ordered.

Petition of Jacob Mears read. Resolved when a new Governor is sent to the Bermuda Islands to prepare fitting instructions for his relief.

Memorial from Capt. Norris read. Ordered to be informed that the Board are disposed to write a favourable letter to Lord Jersey in his behalf.

Messrs. Perry, Haistwell and Goodwin presented a memorial about pirates on the coasts of America.

Mr. Yard sent the King's letter about Pirates to the various Governors or Proprietors.

Nov. 24. Draught of a Commission for Sir W. Beeston agreed upon. Representation signed.

Reply of the African Company to letter, Nov. 15, read. Reply to Lord Jersey's letter, Nov. 14, ordered. [*Board of Trade.* Journal, 12. *pp.* 257-262; *and* 96. *Nos.* 186-188.]

Nov. 23. **989.** Micajah Perry, Edward Haistwell and John Goodwin to the Council of Trade and Plantations. On behalf of those trading to Virginia and Maryland. Since our last account of ships plundered on the coasts of Virginia and Maryland, we hear of the *Roanoake* (Carolina to Maryland); confirmation of the taking of the *Charles*; the *Flowerpot* taken 50 leagues from Barbados; Capt. Baker from New York taken near Cape Sables by one Welsh. By some advices we are told that in 3 months there had been above 30 vessels and coasters taken and plundered on the American coast. Also the *Charles*, Capt. Hadley, from London to Maryland, had a conspiracy on board, and a vessel belonging to Col. Webb with considerable treasure was run away with out of the port of Philadelphia by the seamen. We humbly offer our opinion that 3 or 4 ships of a convenient force might be sent to cruize off the coast from the Bahama Islands to New England, where the pirates do the greatest mischief and is to be feared find encouragement; and that the Governors be enjoined to dispatch them on this service, to suffer no ships to come into their ports but such as could produce certificates of being fair traders, and to seize all others and to punish all that aid or trade with them. *Signed*, Micajah Perry, Ed. Haistwell, Jno. Goodwin. *Endorsed*, Recd. Nov. 23, 1699. 2 *large pp. Enclosed*,

989. I. Affidavit of Nicholas Thomas Jones, Master of the *Ranoke*, belonging to Col. Robert Quarry. My ship was seized within Linhaven Bay by a pirate, who said he was a Welshman of Glamorganshire, his name John James and his ship called the *Alexander*, which he had taken from one Capt. Writt of South Carolina. *Signed*, Tho. Jones, Robt. Mellen, Saml. Jones, Wm. Parker. Aug. 4, 1699. *Copy.* 2 *large pp.*

989. II. Deposition of Francis Tippett, boatswain of the pink *Flowerpot*, Anthony Tailor, Master. The ship was seized near Barbados by a pirate, the *Prophet Daniel*, commanded by Thomas Bourck, an Irishman. Burke presently died and the Irishmen of the crew, which was of several nations, after a bloody fight overpowered the rest. But 14 of the Irish were left alive and about 16 French, which were wounded and turned on shore at Tobago, with deponent and 25 other prisoners taken by the pirates out of several ships in Newfoundland. *Signed*, Francis Tippett. Nov. 17, 1699. *Copy.* 1¼ *pp.* [*Board of Trade.* Plantations General, 5. *Nos.* 35, 35 I.-II.; *and* (*without enclosures*) 35. *pp.* 125-130.]

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Kensington.

990. Order of King in Council. On the representation of the Council of Trade and Plantations, Nov. 16, instructions are to be given from time to time to the commanders of H.M. ships of war as proposed. The Admiralty to give the necessary directions. *Signed,* John Povey. *Endorsed,* Recd. Nov. 30, 1699. 1 *p.* [*Board of Trade.* Plantations General, 5. *No.* 36; *and* 35, *p.* 135; *and* Barbados, 8. *No.* 28; *and* 45. *p.* 4.]

Nov. 23.

991. Petition of Jacob Mears that Governor Day be not allowed to quit Bermudas without giving security for the damages he has inflicted on the owners of the *Dolphin.* *Signed,* Jacob Mears. *Endorsed,* Recd. Read Nov. 23, 1699. 1 *p.* [*Board of Trade.* Bermuda, 3. *No.* 56.]

Nov. 23.
Kensington.

992. Order of King in Council. Appeal of Isaac Richier appointed to be heard Nov. 30. *Signed,* John Povey. *Endorsed,* Recd. Nov. 30, 1699. 1 *p.* [*Board of Trade.* Bermuda, 3. *No.* 57; *and* 29. *pp.* 243, 244.]

Nov. 23.

993. Capt. Norris to the Council of Trade and Plantations. Upon going Commander-in-Chief to Newfoundland, 1698, I had H.M. Commission, at your instance, to be Governor and Commander of the forts and forces, and performed services according to instructions. I desire I may have my accounts passed in Lord Ranelagh's office, and be rewarded according to your assurance. *Signed,* Jno. Norris. *Endorsed,* Recd. Read Nov. 23, 1699. 1 *p.* [*Board of Trade.* Newfoundland, 3. *No.* 155; *and* 25. *pp.* 335, 336.]

Nov. 23.
African House.

994. Royal African Company to Council of Trade and Plantations. In answer to your enquiry of Nov. 15, the Company always hold themselves to be sole masters of the rivers Gambia, Sereleon and Sherbrow and of the dominions and territories where the following forts and castles are situated (*enumerated*). *Signed,* John Perry, Secretary. [*Board of Trade.* Trade Papers, 14. *pp.* 367-369.]

Nov. 23.

995. Minutes of Council in Assembly of Barbados. His Excellency moved the Council that they were summoned this day to comply with the statute for issuing precepts for the holding a Grand Sessions to be read in the churches of each parish three several Sundays immediately before the holding of the same which is to commence on Dec. 12. The Hon. Thomas Sadleir was appointed Judge for holding the Grand Sessions. Precepts signed and issued. [*Board of Trade.* Barbados, 65. *p.* 473.]

Nov. 23.
St. John's.

996. Minutes of Council and Assembly of Antigua. The Assembly represented the complaint of the inhabitants that the Naval Officer exacted bonds from all masters of vessels contrary to law. The Council agreed that bonds should not be taken where no goods are loaden upon a ship.

The Act for the further encouragement of the settling of the Island was engrossed and signed.

The Treasurer was ordered to bring in an account of the country's debts.

Land in St. John's granted to William Franklynne.

Land in Parham granted to John Corbett and William Cullam. [*Board of Trade.* Leeward Islands, 64. *pp.* 329-333.]

1699.

Nov. 24.
Chief Office.
Penny Post.

997. Wm. Dockwra to Wm. Popple. The administration of the Government of East New Jersey is vested in the Proprietors by virtue of their grant and confirmation. They with patience expect an answer to their memorial. They have from time to time given orders to their Dep. Governor strictly to observe all the laws made to prevent frauds and abuses in trade etc., and have not received the least complaints of the infringement of any of them. *Signed*, Wm. Dockwra. *Endorsed*, Recd. Nov. 25. Read Nov. 27, 1699. 1 *p.* [*Board of Trade.* Proprieties, 4. *No.* 27 : *and* 26. *p.* 132.]

Nov. 24.
London.

998. Benjamin Durzy to William Popple. The next day after Mr. Thornburgh sent you his answer he was taken sick of a violent malignant fever and so continued till within these two days. The Lords Proprietors of Carolina and the Bahama Islands now reply that upon Aug. 31, 1694, they granted a commission to John Archdale, Esq., to be Governor of Carolina with a power in his Commission, upon his departure for England, to appoint Deputy Governors in South and North Carolina. He deputed Joseph Blake, Deputy Governor of South Carolina, he being a Proprietor upon the place, and Thomas Harvey, Deputy Governor of North Carolina. They having had no complaints, there has been no removal. Nicholas Webb, Governor of the Bahama Islands, had his commission since the Act of Parliament, and was approved by His Majesty. *Signed*, Benjn. Durzy. *Endorsed*, Recd. Nov. 25. Read Nov. 27, 1699. 1 *p.* [*Board of Trade.* Proprieties, 4. *No.* 28 ; *and* 26. *pp.* 132, 133.]

Nov. 24.

999. Petition of Robert Clowes, Clerk of the supreme Court of St. Jago de la Vega in Jamaica, against the Act lately past there about Patent Places. *Signed*, Robt. Clowes. *Endorsed*, Recd. Nov. 24. Read Nov. 27, 1699. 1 *p.* [*Board of Trade.* Jamaica, 8. *No.* 139.]

Nov. 24.
Whitehall.

1,000. Earl of Jersey to Council of Trade and Plantations. The King being moved upon the petition of Captain Roger Elrington is pleased to direct that it be sent to your Lordships that you may consider thereof and report your opinion thereupon. I have laid before His Majesty the address from the General Assembly of Maryland. *Signed*, Jersey. *Endorsed*, Recd. Dec. 4. Read Dec. 5, 1699. *Enclosed*,

1,000. I. Captain Roger Elrington to the King. Petitioner commanded a company of foot in the fort at St. Christopher's when it was taken in 1689 by the French. He was sent a prisoner to France, escaped after nine months, and was despatched back to France by your Majesty on secret service. The person he was sent with was seized on the frontiers and to save himself betrayed the petitioner, who was imprisoned in the Bastille for six years and four months. The war and long absence have ruined his interest in St. Christopher's and he has had nothing left to subsist upon. Since his return to England, two years ago, he has only received fifty pounds from Mr. Secretary Vernon. The deputy Government of Nevis is vacant, and petitioner humbly

1699.

hopes he is well qualified to fill that office. [*Board of Trade.* Leeward Islands, 6. *Nos.* 44, 44 I.; *and* 46. *pp.* 18–20.]

Saturday night, Nov. 25. **1,001.** Edward Southwell to Mr. Popple. The enclosed is what I learn from Bristol upon those heads of enquiry you sent me. *Signed,* Edward Southwell. *Enclosed,*

1,001. I. Richard Burges to Capt. Charles Sims. Bristol, Nov. 20, '99. Between Sept. 5 and 14 there arrived a person from Pennsylvania who declared to Col. Wilson, who liveth in the entrance into James River, now Naval Officer, that Capt. Kidd was in prison in New England, and that he surrendered himself to the Government and several of his company, all which arrived on that coast in a sloop, which Kidd had bought in Curaçao, and had left the ship he sailed in from England in the East Indies, and arrived in the West Indies in a junk, which he left on some island in the West Indies and procured passage to Curaçao, where he bought the sloop, and arrived with considerable treasure. The master of a sloop from Providence declared before Col. Wilson that the pirate by whom I was so damnified appears to be the *Providence* galley, formerly belonging to the Governor of Providence, and was commanded by Capt. Right, but now by John James, and had been lately in that island. The pirate detained some of the inhabitants who went aboard her as security whilst he watered and careened his vessel. *Description of crew and voyage of the Providence* galley. *Signed,* Richd. Burges. *Endorsed,* Recd. Read Nov. 27th, 1699. 1½ *pp.* [*Board of Trade.* Plantations General, 5. *Nos.* 37, 37 I.; *and* (*without covering letter*) 35. *pp.* 130-134.]

Nov. 27. **1,002.** Governor the Earl of Bellomont to the Council of Trade and Plantations. In obedience to H.M. commands I repaired, Sept. 1699, to Rhode Island and there made enquiry into the disorders and irregularities practised within that Government. (1) They seem wholly to have neglected the Royal intention and their own professed declaration in their Charter in that they have never erected nor encouraged any school of learning or had the means of instruction by a learned, orthodox ministry. The Government, being elective, has been kept in the hands of such who have strenuously opposed the same, and the generality of the people are shamefully ignorant and all manner of licentiousness and profaneness does greatly abound. (2) They do not use their name and style of incorporation omitting the words "*English*" and "*in America.*" (3) Their Charter requires a meeting of the General Assembly twice every year. Oft-times they hold but one Assembly in the year and that for elections in May, which is convened upon Tuesday, dissolved the same day, and yet meet again on Wednesday without any new writ or summons and proceed to elect General Officers and transact the business of a General Assembly. (3) Their General Assembly is constituted of the Governor, Assistants, and deputies for the several towns. The sole power of calling them is vested in the Governor; yet, according to their practice, it is in their pleasure whether the Governor shall preside or be moderator therein or not, which is tried by a vote. (5) Their election of general officers is partly made by proxies and allowed of by an Act of the Government contrary to the rules of their Charter; and (6) contrary to their Charter, their military commission officers are elected by the soldiers of the several companies. (7) In 1697, Walter Clarke, their Governor, made out a writ directed to the Sherif or his deputy requiring him to issue forth warrants to the assistants and justices of the several towns to meet and choose Representatives to serve in General Assembly. The Charter directs that the freemen be represented by persons of their own choosing in the several towns, and yet some chosen by the Town Council (so-called) consisting of some few particular men have been admitted of the Assembly. (8) The same Governor in the General Assembly, 1697, did in the morning actually resign his office of Governor, when afterwards, finding that there wanted one to make up a quorum of the House of Magistrates, resumed his place of Governor, sat and acted as such all that day and adjourned the Court at night. (9) May, 1699, a General Assembly was kept, no writ for convening it ever coming to the hand of the sheriff or his deputy. (10) An order was published under the public seal of the colony as an Act of the General Assembly, 1696, which was not laid before nor put in the House of Representatives. (11) The General Assembly assume a judicial power of hearing and determining Civil Causes, removing them out of the ordinary Courts of Justice, and alter verdicts, the Charter committing no judicial authority to them; neither are the Representatives under any oath or engagement, as required by an Act, Oct., 1672, afterwards repealed 1677. (12) They raise taxes and assessments upon the people, there being no express authority in the Charter for so doing. (13) They judge capital offenders and punish them with death, though the Charter limits their power of punishment according to the course of corporations in England. (14) They usurp an Admiralty power and jurisdiction by an Act of their own making. (15) Their Courts of Justice are held by the Governor and Assistants, who sit judges therein more for the constituting of the Court than for searching out the right of the causes before them: they know little law and give no direction to the jury nor sum up the evidences to them. Their proceedings are many times very arbitrary and contrary to the laws of the place, as is affirmed by the Attorneys that have sometimes practiced in their Courts. (16) Their General Attorney is a poor illiterate mechanic, on whom they rely and allow of judgment against criminal offenders drawn in his own name, viz. I, John Pocock do indict, etc. (17) The Assistants, or Councillors, who are also Justices of the Peace and Judges of their Courts, are generally Quakers and Sectaries elected by the prevailing factions, several of them not able to write their names and not having taken the oaths, etc. John Green, a brutish man of very corrupt or no principle in religion, and generally known so to be, is from year to year elected Dep. Governor, whilst several well qualified and disposed to His Majesty are neglected and maligned. (18) Dep. Gov. Green during the war granted several sea commissions under the public seal of the Colony to private men of war, otherwise pirates, expressly contrary to the will of the then Governor and notwithstanding his forbidding of the same; took no security and granted them vaguely to the Captain or his assignee. All the vessels so commissionated went to Madagascar and the seas of India and were employed to commit piracy. Green is also complained of for exercising divers other exorbitant and arbitary acts of power under colour of his office. (19) The government is notoriously faulty in countenancing and harbouring pirates, who have openly brought in and disposed of their effects there, whereby the place has been greatly enriched, and not only plain breaches of the Acts of Trade and Navigation have been connived at, but also manifest piracies. When they had some of the greatest of the known pirates in their power, they have suffered them to escape. (20) The Governor, Assistants, Judges, juries and witnesses that pass upon persons for life and death, are under no obligation of oath or declaration, but only take an "engagement" of their own forming, making no mention of God. (21) I am informed there are no journals or books of Entry kept of their orders or acts passed in Council. (22) Divers of their Acts and Laws passed in the General Assembly are not made into any proper form, but kept in loose scripts and oft-times not to be found, so that the people are at a loss to know what is law among them. (23) I cannot obtain either the journals of the General Assembly or the Laws now in force, altho' I have made repeated demands of authentic copies; the Governor himself acknowledging that the Laws they lately transmitted unto your Lordships are but part of what are in force among them. (24) Many of H.M. good subjects inhabiting the colony and such as are best knowing in the laws of England greviously complain of oppression by maladministration and illegal proceedings of those in the Government. (25) They wilfully refuse to comply with H.M. commands. Particularly they are complained of by Mr. Brinley and Nathaniel Watterman for not observing the King's orders relating to some trials had in the Courts. Governor Cranston's speech to the General Assembly, called upon the notice I gave him of H.M. commands to myself, which is applauded among them, gives some taste of the disposition of the people, and discovers how they stand affected to the Laws of England and H.M. Government, basely insinuating it to be little better than bondage and slavery. I apprehend His Majesty is neither honoured nor served by that Government. *Signed*, Bellomont. *Endorsed*, Recd. Jan. 19. Read Feb. 9, $\frac{1699}{1700}$. 5¾ *pp.* *Enclosed*,

1,002. I. Journal of Lord Bellomont's Proceedings, Rhode Island, Sept. 18—28, 1699. Commission and Instructions were read in Council Sept. 20—21. (*Present*, Samuel Cranston, *Gov.*; John Green, *Dep. Gov.*; Walter Clarke, James Barker, Robt. Carr, Gyles Slocom, Joseph Sheffield, Joseph Hull, *Assistants*). Sept. 21—25. Various witnesses examined on oath. Enquiries made. The Governor of Connecticut arrived. After hearing the Commissioners on both sides and being unable to dispose the Governments of Connecticut and Rhode Island to come to an amicable accommodation about the Government and boundaries of Naraganset Country, in accordance with the letter of the Board to me, Aug. 26, 1697 (*Cal.* 1697. *No.* 1274.) I asked for a state of their claim from each side, and admonished them both to send their agents into England as soon as they could, to lay their case before the Lords of the Council of Trade.

Sept. 25. I acquainted Governor Cranston and the Council that I had received a petition from Capt. Samuel Gallop, Sherif of the County of Bristol, Massachusetts Bay, complaining that Daniel Wilcocks, of Little Compton within the said County, having been sentenced to pay a fine of £150 and find sureties for good behaviour for 12 months, and to stand committed until he performed the said sentence, had fled to Rhode Island. I represented how scandalous it was for the King's Government to shelter such an offender. I set out for Boston, Sept. 27. *Signed*, Bellomont. *Holograph.* 8½ *pp.* *Same endorsement.*

1,002. II. Examination of Walter Clarke, late Governor of Rhode Island. Newport, Sep. 21, 1699. *Copy.* 3 *pp.* *Endorsed*, Recd. Jan. 19, $\frac{1699}{1700}$.

1,002. III. Examination of John Green, Dep. Governor of Rhode Island. Newport, Sep. 21. *Copy.* 1 *p.*

1,002. IV. Examination of John Easton, late Governor of Rhode Island. Newport, Sep. 21. *Copy.* ½ *p.* *Endorsed*, Recd. Jan. 19, $\frac{1699}{1700}$.

1,002. V. Examination of John Cranston, Governor of Rhode Island. *Copy.* 2½ *pp.* *Same date and endorsement.*

1,002. VI. Examination of Peleg Sanford. *Copy.* 1½ *pp.* *Same date and endorsement.*

1,002. VII. Memorial of H.M. Instructions presented by Lord Bellomont to the Governor and Council of Rhode Island. *Copy.* 1½ *pp.* *Same date and endorsement.*

1,002. VIII. Copies of sea-commissions granted by John Greene, Dep. Gov., 1694. 3¼ *pp.* *Same date and endorsement.*

1,002. IX. Copy of a Commission granted by Sir Wm. Beeston, 1695, to Lovering, Commander of the *Sevilian*, renewed by the endorsement of Capt. Cleasby, Commander of H.M.S. *Saphire*, 1696, to Robert Colly. 1½ *pp.* *Same date and endorsement.*

1,002. X. Copy of a military commission to Capt. Nathaniel Coddington from Governor Easton, June 26, 1694. 1 *p.* *Same endorsement.*

1,002. XI. Account by Robert Gardiner, Dep. Collector, of privateers fitted out from Rhode Island—Capts. William Mayes, Thomas Tue, Thomas Wake, John Hoar and Robert Colly, 1694, 1695. *Copy.* 1½ *pp.* *Same endorsement.*

1,002. XII. Examination of Robert Gardiner. Newport, Sept. 26, 1699. *Copy.* 3¼ *pp.* *Same endorsement.*

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1,002. xiii. Testimony of John Easton and Francis Brinley and Lodowick Updick as to the corrupt principles held and preached by John Green. *Green belonged to the sect of Gortonians, and, holding that God had no regard to outward actions, made the logical deductions as to conduct.* Newport, Sept. 25, 1699. *Copy.* 1 *p.* *Same endorsement.*

1,002. xiv. Affidavit of Jireh Bull as to the method of calling the General Assembly, 1699. Newport, Sept. 26, 1699. *Copy.* 1 *p.*

1,002. xv. Affidavit of Jireh Bull as to Governor Clarke's opposition to the Commission appointing Peleg Sanford judge of the Admiralty. *Copy.* 1 *p.* *Same date. Endorsed,* Recd. Jan. 19, $\frac{1699}{1700}$.

1,002. xvi. Affidavit of John Jones and Andrew Willett. We have seen an Act passed under the seal of the Colony as an Act of the Assembly, Newport, March 23, 1697, declaring the marriage of Daniel Wilcox and Mary Wordell of Kingstown illegal. There was no such bill or vote read or passed in the said house. *Copy.* ¾ *p.* *Same date and endorsement.*

1,002. xvii. Deposition of Andrew Willett that John Green did not tender him the Association to sign when he was chosen Captain in the Militia. *Copy.* ½ *p.* *Same date and endorsement.*

1,002. xviii. Deposition of John Easton, that John Green, Dep. Gov., granted commissions to Privateers contrary to his will. June 4, 1698. 1 *p.* *Copy.* *Same endorsement.*

1,002. xix. Journal and Acts of General Assembly of Rhode Island, May and June, 1691. *Copy.* 7 *pp.* *Same endorsement.*

1,002. xx. Deposition of Gedion Crawfford. In 1692, John Green, Dep. Gov., and Benjamin Smith, J.P., bound over William and Joseph Smith in £10 a piece, with Jacob Clarke, Ephraim Carpenter and Thomas Fowler of Providence, sureties. By order of John Green, Benjamin Smith received 10*s.* of William Smith and Ephraim Carpenter and destroyed the bonds whereby they were bound over. Sept. 26, 1699. *Copy.* ¾ *p.* *Same endorsement.*

1,002. xxi. Speech of Gov. Cranston to the General Assembly, Newport, Aug. 21, 1699. *Copy.* 2¼ *pp.* *Same endorsement.*

1,002. xxii. Copy of an Act of Assembly, Oct. 30, 1672, upon Capt. John Green giving a bill of divorce to Mary and Richard Pray. 1 *p.* *Same endorsement.*

1,002. xxiii. Copy of two Acts of Assembly (i) Newport, Oct. 30, 1672, obliging deputies to take oaths (ii) Oct. 30, 1677, repealing that Act. 1 *p.* *Same endorsement.*

1,002. xxiv. Copy of petition of Nathaniel Watterman of Providence to Lord Bellomont, on behalf of himself, Peleg Rhodes, Timothy and Benjamin Carpenter, James Blackiner, Elisha Arnold, Nehemiah Shelden, Thomas

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Feild and Andrew Harris, about some lands in Patuxet adjudged to them on several trials but withheld by the Government of Rhode Island. 2 *pp.* *Same endorsement.*

1,002. xxv. Copy of Gov. Clark's warrant to Capt. Thomas Townsend, Sheriff, to issue warrants to the Assistants and Justices to meet and choose qualified persons for the General Assembly, March 28, 1697. *Copy.* $\frac{1}{2}$ *p.* *Same endorsement.*

1,002. xxvi. Copy of an order forbidding an execution upon some lands to be complied with. Nov. 5, 1697. *Signed,* John Green, Dep. Gov., Joseph Jencks, Stephan Arnold and Benj. Smith, Assistants. 1 *p.* *Same endorsement.*

1,002. xxvii. Deposition of Richard Higgins. Governor Clarke denied Ephraim Higgins justice against John Coggeshall and Samuel Thurstan, who stole his cow. *Copy.* 1 *p.* *Same endorsement.*

1,002. xxviii. Memorandum of a Town Council choosing an Assemblyman. July 11, 1698. $\frac{1}{4}$ *p.* *Same endorsement.*

1,002. xxix. Copy of warrant for the arrest of John Nelson of Boston, administrator of the estate of Richard Wharton of Boston to answer the complaint of Samuel Seawall in an action of debt. Ap. 13, 1699. $\frac{1}{2}$ *p.*

1,002. xxx. Copy of Francis Brinley's case *v.* John Dave, security for Samuel Davis. Sep. 1697. 1 *p.*

1,002. xxxi. Tho. Newton's account of the irregular proceedings of the Courts of Rhode Island. Boston, Sep. 1, 1699. *Copy.* 1 *p.* *Endorsed,* Recd. Jan. 19. $\frac{1699}{1700}$.

1,002. xxxii. Jos. Hearne's account of the same. *Copy.* 1 *p.* *Same endorsement.*

1,002. xxxiii. Deposition of Richard Cornish. Thomas Jones, one of Every's company, married Penelope Goulden and lived on Rhode Island. *Copy.* 1 *p.* *Same endorsement.*

1,002. xxxiv. Certificate as to the execution of several capital offenders. *Signed,* Fr. Brinley, Peleg Sanford, Nath. Coddington. $\frac{1}{4}$ *p.* *Copy.* *Same endorsement.*

1,002. xxxv. Copy of an Act of the Assembly establishing the form of an engagement, instead of oaths, for public office and administration of justice. $\frac{3}{4}$ *p.* *Same endorsement.*

1,002. xxxvi. Copy of an order of Council of Rhode Island, Sep. 27, 1699. With regard to Mr. Brinley's appeal in the case of John Greenman, lessee of Charles Dyre, March 11, 1694, *v.* Daniel Sheffeild, in which judgment was obtained against the casual ejector, we direct Mr. Brinley to bring an action in the next General Court, and if grounds of appeal should then happen, we shall allow his appeal before the King. 1 *p.* *Same endorsement.*

1,002. xxxvii. Francis Brinley to Lord Bellomont. Newport, Oct. 21, 1699. Governor Cranston in response to the demands of Col. Sanford, Capt. Coddington and myself, to furnish your Lordship with a copy of our laws, said he had a transcript ready of those which they this summer transmitted to England, and that it was necessary to peruse them and see what others might be convenient to add. When asked for copies of the journals of Council and Assembly, he replied he knew of none they had. *Copy.* ¾ *p.* *Same endorsement.*

1,002. xxxviii. Francis Brinley to Thomas Newton, Newport, Aug. 22, 1699. The Assembly that was dissolved May 2 is now sitting by adjournment to Sep. 1, having anticipated the time and met yesterday. The Governor's speech was chiefly aimed against me. It was much applauded. I suppose his two uncles, Wa[l]ter and Weston Clarke had a hand in it. The Assembly design to raise money, and a little while since raised £800, but have no power to do so in their charter. *Copy.* 1 *p.* *Same endorsement.*

1,002. xxxix. Copy of the account of Nathaniel Coddington, Register of the Court of Admiralty, of the fitting out of privateers from Rhode Island, and of the pirates' gold etc. in Governor Cranston's hands. *Copy.* 3 *pp.* *Same endorsement.* [*Board of Trade.* Proprieties, 4. *Nos.* 40, 40 i.-xxxix.; and, *without enclosures*, 26. *pp.* 154-164.]

Nov. 27. Whitehall. **1,003.** Journal of Council of Trade and Plantations. Letter from Mr. Burchet, Nov. 23, with Capt. Leak's answers about Newfoundland, laid before the Board.

Petition of Robert Clowes read. Consideration deferred.

Further letter from Mr. Burgess about pirates that attacked the *Essex* prize read.

Letter from Mr. Neale about the value of our standard gold in the Mint, read.

Letters from Mr. Benjamin Durzy for Mr. Thornburgh, Nov. 24, and from Mr. Dockwra, read.

Mr. Blathwayt's observations upon the Memorial of the Proprietors of East New Jersey about the surrender of their Charter, was read, and directions given for some alterations therein, so that they may be given to Mr. Dockwra in answer to that Memorial.

Nov. 28. Affidavits about Mr. Day's conduct in Bermuda, brought by Mr. Pullein, read. He gave the Board some information on the subject, and promised that he and Mr. William Brice, late Provost Marshall of Bermuda, would draw up a memorial of what they could say thereupon.

Col. Edward Fox communicated his Commission as Lt. General of the Leeward Islands. Letter written to Mr. Secretary Vernon offering that Col. Fox's name may be inserted in Col. Codrington's Instructions in place of Col. Collingwood's, deceased.

Letter to the Earl of Jersey on behalf of Capt. Norris ordered.

Answer to the Proprietors of East New Jersey agreed upon and ordered to be communicated to Mr. Dockwra. [*Board of Trade.* Journal, 12. *pp.* 262-265 ; *and* 96. *Nos.* 189, 190.]

Nov. 27. **1,004.** Minutes of Council of Massachusetts Bay. Payment ordered for garrison service, 1689, of Joseph Curtis, deceased. Capt. Gullock was forbidden to ship the money and plate he had recovered, on account of the Act prohibiting exportation of money and bullion.

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Nov. 28. Ordered that £300 worth of goods for trade with the Eastern Indians about Cascobay be shipped and that Capt. Davis be Truck Master. Lt. Nathaniel Holmes' contract to subsist the Castle garrison at 3s. 6d. Dec. 1 – June 1 and 3s. 9d., June 1 – Dec. 1, accepted. [*Board of Trade.* New England, 49. *pp.* 259, 260.]

Nov. 28. Whitehall. **1,005.** Council of Trade and Plantations to Mr. Secretary Vernon. We offer that the name Col. Edward Fox, appointed to succeed Col. Collingwood, decd., may be inserted in Col. Codrington's Instructions for the Leeward Islands. *Signed,* Phil. Meadows, Wm. Blathwayt, John Pollexfen, Abr. Hill. [*Board of Trade.* Leeward Islands, 46. *p.* 12.]

Nov. 28. **1,006.** Answer of the Council of Trade and Plantations to the Proposals of the Proprietors of East New Jersey, July 5. Article 1. We have no objection. Article 2. We conceive His Majesty may do what is proposed in case the Proprietors accept of a new charter with such conditions as are reasonable with relation to their Propriety, but that it is very improper for His Majesty to oblige himself to a compliance with this article by any clause in the new charter. Article 3. The first part is unreasonable. It may sometimes be advisable to restrain this liberty. But the Proprietors may have the same liberty granted them of trading with the Indians as is granted to the inhabitants of N. York or any other Plantation under H.M. immediate Government. What relates to the purchasing of lands may be allowed. (4) The first part may be allowed, provided the officers be appointed by the King's Governor, but not without appeals in Civil matters to the King's Governor and Council and to the King in Council, nor so as to hinder trials in criminal matters by H.M. special Commission to be executed either in New York or East Jersey as shall be thought fit, N. York and East Jersey to be accounted one Province without distinction except as to the Propriety of lands and the *dominium utile.* (5) Fit to be allowed provided there be a further appeal to the Governor of New York and Council, which is to consist as well of the inhabitants of E. Jersey as to those of N. York indifferently. (6) What relates to the public Register and Records to be kept at Perth Amboy may be allowed; but the not removing them to any other place when the public service shall require it, seems unreasonable; and the Proprietors constituting the Secretary and Register, which the King does everywhere appoint, does not seem fit to be allowed. Nor is it fit there should be more than one Chief Secretary both for N. York and N. Jersey, who may appoint a Deputy to officiate in his absence from either place. The Surveyor General has a more particular reference to the Proprietors and their lands. Their constitution of him may be allowed. (7) We have no objection against the number of counties, but the rest of this Article seems wholly unreasonable. In case E. Jersey be allowed to send one sixth part of the Representatives of the General Assembly and West New Jersey one sixth part more, it is as much as can well be allowed, otherwise these two Jerseys under Proprietors would come in competition with New York itself and outvote that part of the Province when united so that ⅓rd of the number of the Representatives for the Jerseys and

⅔rds for N. York (or thereabouts) seems a reasonable proportion. (8) This may be reasonable, but the proportion must be agreed on. (9) We have no objection in case those officers be no other than such as constitute a Court Baron or Court Leet in England. (10) This Article must be regulated by Acts of Parliament and the usage of N. York itself. (11) The Probate of wills is usually in the King's Governor, but he may appoint Commissaries for executing the same in any part of his government. (12) We have no objection, but that this power is usually in the Governor. (13) This Article may be reasonable, except as to the goods and chattels of traitors, fugitives, and persons outlawed, which is matter of State. Nor can right accruing to the Proprietors from the seas adjacent be well circumscribed. The grant of 1682 ought to be duly considered and such particulars therein as are proper allowed, without such a general and undetermined reference. *Without date or signature. Endorsed,* Agreed Nov. 28, 1699. *Rough Draft.* 4 *pp.* [*Board of Trade.* Proprieties, 4. *No.* 29; *and* 26. *pp.* 133-136.]

Nov. 28. **1,007.** Minutes of Council in Assembly of Barbados. William Heysham sworn a Member of the Assembly for St. Michael's Parish and a Justice of the Peace. His Excellency recommended the Assembly to consider the debts of the island and ways and means to discharge them and to settle a fund for emergencies. The Assembly recommended to his Excellency's clemency, George Wells, commander of the ship *De Grave* galley, bound from Newfoundland to Cadiz, and obliged by a violent storm to put into Barbados badly damaged, that he should be allowed to sell some bread he has on board for the benefit of his owners. [*Board of Trade.* Barbados, 65. *pp.* 475, 476.]

Nov. 28. **1,008.** Journal of Assembly of Barbados. Col. Maxwell chosen Speaker. Bill for securing the possession of negroes read for the first time. (*And see preceding abstract.*) [*Board of Trade.* Barbados, 65. *pp.* 455, 456.]

Nov. 29. Whitehall. **1,009.** Council of Trade and Plantations to the King. We have received from Col. Blakiston two volumes of Acts of the General Assembly of Maryland, being drawn from the several former Laws of that Province and entituled, the one, "Perpetual Laws without limitation," the other, "Laws made in July, 1699," which we herewith humbly lay before your Majesty. But inasmuch as we find therein divers particulars which we conceive unfit to be allowed of by your Majesty, but which cannot be repealed as the said Acts are connected together, without the disallowance of the Act entituled, 'An Act ascertaining the Laws of this Province,' which is in the volume of those made in July 1699, we take leave humbly to offer that your Majesty may be pleased to repeal and set aside the said Act, whereon all the others depend, there not appearing to us any inconvenience in so doing, since the former Laws of that Province will thereupon become in force, in such manner as they stood before the passing of the said Act. And whereas in an Act passed there July, 1696, entituled 'An Act for the service of Almighty God and the establishment of the Protestant Religion,' there is a clause declaring all the Laws of

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England to be in force in Maryland, this being a revival of a former Act and Clause to the same effect disallowed by your Majesty Jan. 4, 1695, and we, having thereupon received the opinion of your Majesty's Attorney General, that it seems not reasonable for all the Acts of Parliament in England to be made Laws of Maryland by a general clause of this Act, but that it seems more proper for the Assembly of Maryland, if there are any particular Acts in England which they desire to be enacted into Laws of that Province, to transmit them particularly that your Majesty may be enabled to consider whether such Acts are fit to be made Laws there or not, we do accordingly humbly offer that your Majesty be likewise pleased to repeal and annul this last mentioned Act. *Signed*, Stamford, Lexington, Ph. Meadows, Wm. Blathwayt, John Pollexfen, Abr. Hill. [*Board of Trade.* Maryland, 9. *pp.* 436-439.]

Nov. 29. Whitehall. **1,010.** Council of Trade and Plantations to the King, enclosing the draught of a Commission for Governor Sir William Beeston. *Signed*, Jon. Pollexfen, Abr. Hill, Stamford, Ph. Meadows, Wm. Blathwayt, Lexington. *Annexed*,

1,010. I. Commission for Sir William Beeston to be Captain General and Governor-in-Chief of Jamaica. [*Board of Trade.* Jamaica, 56. *pp.* 403-406.]

Nov. 29. Boston. **1,011.** Governor the Earl of Bellomont to the Council of Trade and Plantations. I gave you an account, Oct. 24, of my taking Joseph Bradish and Tee Wetherley, and writ that I hoped in a little time to be able to send news of my taking James Gillam, the Pirate that killed Capt. Edgecomb, commander of the *Mocha* frigate for the East India Co., and that with his own hand while the Captain was asleep. Gillam is supposed to be the [man] that encouraged the ship's company to turn pirates, and the ship has been ever since robbing in the Red Sea and Seas of India. If I may believe the reports of men lately come from Madagascar, she has taken above £2,000,000 sterling. I have been so lucky as to take James Gillam and he is now in irons in the gaol of this town, and at the same time we seized one Francis Dole, in whose house he was harboured, who proves to be one of Hore's crew, one of Col. Fletcher's pirates, commissioned by him from N. York. Dole is also committed to gaol. My taking of Gillam was so very accidental, one would believe there was a strange fatality in that man's stars. On Saturday, 11th inst., late in the evening, I had a letter from Col. Sanford, Judge of the Admiralty Court in Rhode Island, giving me an account that Gillam had been there, but was come towards Boston a fortnight before, in order to ship himself for some of the Islands, Jamaica or Barbados; that he was troubled he knew it not sooner and was afraid his intelligence would come too late to me; that the messenger he sent knew the mare Gillam rode on to this town. I was in despair of finding the man because Col. Sandford writ to me that he was come to this town so long a time as a fortnight before that. However, I sent for an honest constable I had made use of in apprehending Kidd and his men, and sent him with Col. Sandford's messenger to search all the inns in town for the mare, and at the first inn they went to they found her tied up in the yard. The people of the inn reported that the man that brought her thither

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had lighted off her about a quarter of an hour before, had then tied her, but went away without saying anything. I gave orders to the master of the inn that if anybody came to look after the mare, he should be sure to seize him, but nobody came for her. Next morning, which was Sunday, I summoned a Council, and we published a proclamation wherein I promised a reward of 200 [pieces of eight] for the seizing and securing Gillam, whereupon there was the strictest search made all that day and the next that was ever made in this part of the world, but we had missed of him, if I had not been informed of one Capt. Knot as an old pirate, and therefore likely to know where Gillam was concealed. I sent for Knot and examined him, promising him, if he would make an ingenious confession, I would not molest him. He seemed much disturbed, but would not confess anything to purpose. I then sent for his wife and examined her on oath apart from her husband, and she confessed that one who went by the name of James Kelly had lodged several nights in her house, but for some nights past he lodged, as she believed, in Charlestown, cross the river. I knew he went by the name of Kelly. Then I examined Capt. Knot again, telling him his wife had been more free and ingenious than him, which made him believe she had told all, and then he told me of Francis Dole in Charlestown, and that he believed Gillam would be found there. I sent half a dozen men immediately over the water to Charlestown and Knot with 'em; they beset the house and searched it, but found not the man, Dole affirming he was not there, neither knew he any such man. Two of the men went through a field behind Dole's house and passing through a second field they met a man in the dark (for it was 10 o'clock at night) whom they seized at all adventures, and it happened as oddly as luckily to be Gillam; he had been treating two young women some few miles off in the country and was returning at night to his landlord Dole's house. I examined him, but he denied everything, even that he came with Kidd from Madagascar, or ever saw him in his life; but Capt. Davies who came thence with Kidd, and all Kidd's men, are positive he is the man and that he went by his true name Gillam all the while he was on the voyage with 'em, and Mr. Campbell, Postmaster of this town, whom I sent to treat with Kidd, offers to swear this is the man he saw on board Kidd's sloop under the name of James Gillam. He is the most impudent, hardened villain I ever saw. That which led me to a search after this man was the information of William Cuthbert, which I sent your Lordships with my packet of July 26th, wherein he says that it was commonly reported that Gillam had killed Capt. Edgecomb with his own hands, that he had served the Mogul, turned Mohammedan and was circumcised. I had him searched by a surgeon and a Jew in this town: they have both declared on oath that he is circumcised. I recommend the perusal of the evidence I enclose as what will inform you of the strange countenance given to pirates by the Government and people of Rhode Island. In searching Capt. Knot's house [a sma]ll trunk was found with some remnants of E. India goods and a letter from Kidd's wife to Capt. Thomas Pain, an old pirate living on Canonicot Island in Rhode Island government. He made an affidavit to me when I was at Rhode Island that he had received nothing from Kidd's sloop, when she lay at anchor there, yet by Knot's deposition he was sent with Mrs. Kidd's letter to Pain for 24 ounces of gold, which Knot accordingly brought, and Mrs. Kidd's injunction to Pain to keep all the rest that was left with him till further order was a plain indication that there was a good deal of treasure still behind in Pain's custody. Therefore I posted away a message to Gov. Cranston and Col. Sanford to make a strict search of Pain's house before he could have notice. It seems nothing was then found, but Pain has since produced 18 ounces and odd weight of gold, as appears by [Gov.] Cranston's letter, Nov. 25, and pretends 'twas bestowed on him by Kidd, hoping that may [pass for] a salvo for the oath he made. I think 'tis plain he foreswore himself and I am of opinion he has a great deal more of Kidd's goods still in his hands, [but] he is out of my power and being in that government I cannot compel him to deliver up the [rest]. Your Lordships will find in Capt. Coddington's narrative, sent with my report Nov. 27, an inventory of gold and jewels in Gov. Cranston's hands, which he took from a pirate. I see no reason why he should keep them, [but] so far from that, that he ought to be called to an account for conniving at the pirates making that Island their sanctuary, and suffering some to escape from justice. If there be an order sent to him to deliver all goods and treasure which he has at any time received from privateers or pirates into my hands for the use of his Majesty, and that upon oath, I will see the order executed and give a faithful account thereof. Four poundsweight of the gold brought from Gardiner's Island, which I formerly acquainted your Lordships of, and all the jewels belonged to Gillam, as Mr. Gardiner's letter to Mr. Dummer, a merchant in this town and one of the Committee appointed by me and the Council to receive all the treasure brought in Kidd's sloop, will prove, and there is some proof of it in Capt. Coddington's narrative and Capt. Knot's deposition. I am told that as Vice [Admiral] of these provinces I am entitled to $\frac{1}{3}$ part of Gillam's gold and jewels; I know not wh[ether I] am or no, but if it be my right I hope you will represent to the King accordingly. 'Tis a great prejudice to the King's [service] that here is no revenue or other fund to answer any occasion of his Majesty's. I [have been] forced to disburse the 200 pieces of eight out of my own little stock, and also to defray my expenses in going to Rhode Island to execute the King's Commission; both accounts I now send and beg your Lordships' favour in promoting. Capt. Gullock tells me that 15 or 16 of the ship's company that would not be concerned with Gillam went home in the *America* belonging to the E. I. company. I should think an advertisement in the *Gazette* requiring some of those men to appear before one of the Secretaries of State to give their evidence would be proper.

Your Lordships will meet with a pass among the other papers to Sion Arnold, one of the pirates brought from Madagascar by Shelley of N. York, signed by Governor Basse, which is a bold step in Basse after such positive orders as he received from Mr. Secretary Vernon, but I perceive plainly the meaning of it, he took several pirates at Burlington in West Jerzey and a good store of money with them as 'tis said: and I dare say he would be glad they [? should] escape, for when they are gone who can witness what money be seized with 'em? I know the man so well that I verily believe that's his plot. John Carr mentioned in some of the [?papers to] be in Rhode Island was one of Hore's crew. There are abundance of other pirates in that island at this time, but they are out of my power. Mr. Brinley, Col. Sanford, and Capt. Coddington are honest men and of the best estates in the island, and because they are heartily weary of the maladministrations of that Government, and because I commissioned 'em, by virtue of H.M. Commission to me, to [make] enquiry into the irregularities of those people, they are become strangely odious to 'em and are often affronted by 'em; neither will they make 'em Justices of the Peace, so that when they would commit pirates to gaol, they are forced to go to the Governor for his warrant, and very [comm]only the pirates get notice and avoid the warrant. Gardiner, the Dep. Collector, is accused to have been once a pirate, in one of the papers enclosed. I doubt he will forswear himself rather than part with Gillam's gold which is in his hands. 'Tis impossible for me to transmit to the Lords of the Treasury these proofs against Gardiner, being so jaded with writing, but I could wish they were made acquainted with his character and would send over honest, in[tellige]nt men to be Collectors of Rhode Island, Connecticut and N. Hampshire, and that they [would] hasten Mr. Brenton hither to his post or send some other Collector in his room. I could wish Mr. Weaver were ordered to hasten to N. York. Captain Knot in one of his depositions accuses Gillam to have pirated four years together in the South Sea against the Spaniards. We have advice that Burk, an Irishman and pirate, that committed sea-robberies on the coast of Newfoundland, is drowned with all his ship's company, except 7 or 8, somewhere to the southward, in the hurricane about the end of July or the beginning of Aug. last. 'Tis good news, he was very strong and said to have had a good ship with 140 men and 24 guns. Bradish and Wetherley have a slight extraordinary in attempting to escape. They [have made] two attempts since they were last committed; once they broke the floor of the prison, but that way failing them, within a night or two they filed off their fetters, upon which I ordered 'em to be manacled and chained to one another. I believe this new gaoler I have got is honest; otherwise I should be very uneasy.

I am in some perplexity about the Indians on all hands, as well the Eastern Indians that troubled this Province all the last war as the Five Nations on 'tother side of N. York. Capt. Davies, that has used a trade with the Eastern Indians a great many years, came from Casco Bay 'tother day, where there was a rendezvous of about 200 of them. They talked high and asked why I did not propose a peace to them, and whether I meant to dispose of their land without their consent. Capt. Davies had a few bottles of rum for his own use, and they took it from him forcibly. Nobody doubts but that the French missionaries prompt 'em to this insolence, and how to help it I cannot tell. The most natural and proper way would be to send Protestant ministers among 'em, but I can find none that will go and live among and teach the

Indians Christianity. I have offered £100 a year to go and preach to the Five Nations, but they would not go. If some speedy course be not taken we shall lose them. I could wish the Corporation in London for propagating the gospel among the Indians would encourage some young divines of the Church of England of good sober lives to come over on that account. I say young, because 'tis absolutely necessary they should learn the Indian tongue, which men in years can never do. If the Corporation will allow £80 a year a piece to five ministers, I will, with the King's leave, make it up to £100 a year a piece out of the revenue of N. York. The Corporation pin us down to the employing men for that work that have been bred in this College, which I do not like. To show how industrious the French are to make advantage of our neglect of the Indians in the point of sending ministers to instruct 'em in the Christian religion, I send a letter I received this week from Monsieur de Brouyas, Superior of the Jesuits at Montreal. He and Major de la Vallière with the Major's son came to me when I was at Rhode Island with a compliment from Monsieur de Calliere to notify to me his accession to the Government of Canada. I thought it a strained compliment and princely; and could have been very well content he had spared the ceremony, rather than have sent me a Jesuit, who of all men living are the least admired by me, but so it fell out and I could not help it. They stayed with me four days and then returned to Canada by way of Albany. The Jesuits' letter is full of insinuation, but that makes not the least impression on me. I am sure if we suffer French missionaries among our Indians, we lose 'em, and the best way to prevent it is to send Protestant ministers to live among 'em. The Indians passionately desire to have ministers to instruct 'em in the Christian religion and to have a fort built in the Onnondages' country: if both these desires be not complied with this next summer, I shall have little comfort in staying in America, for I shall look on the Five Nations as lost from us irrevocably, and that would be a great prejudice to the interest of England. The Onnondages are in the center of the Five Nations and their castle stands on the Mohack River very convenient to be fortified, and when fortified to bridle the French fort of Cadaracque and cover our Indians from their excursions, which have very much terrified ours all this late war. I have not yet spoke to Col. Romer about this particularly, but I fancy a fort of good sod-work and well stockaded would suffice and not cost £2,000, and there I should advise the keeping 100 men constantly in garrison. This would draw English families to settle there, and then there would be no occasion for putting a minister upon such a self-denial as now it appears to 'em to be. Besides, if the design of making tar and pitch be carried on, the 100 men may as well be employed at the Onondage's Castle in that work as they could be at Albany, for there will be a water carriage all the way to York. Major de la Vallière that came to me to Rhode Island seemed to be a very sensible man, and, because I had heard from the Eastward that there had been a French man-of-war that brought an Engineer to survey all that coast this last summer, I was curious to know the truth of it. He told me it was true and that the King, his master, intended next summer to have three forts built there on that coast, which were to be three Governments, and they to have a General Governor over 'em; that the King, his master, was very fond of that design and made great account of that country. This he told me on Sunday, Sept. 24. 'Twas so remarkable that I noted it down in my table-book. If our fishing and our navigation be things useful and valuable to us, then certainly we ought to take such timely measures as to maintain this country against the French, to which end two things are principally necessary, cherishing the Indians and building good forts in convenient places. When Col. Romer has prepared the plans of those parts of the coast to the eastward, which he thinks proper for forts, I shall trouble your Lordships further on this subject. I produced Capt. Davies' memorial to the Council last Council day and urged all I could their sending supplies to those Indians with all possible speed and at the cheapest rates their goods could be afforded, but I doubt the severity of the weather will prevent their doing so. *Signed,* Bellomont. I send a deposition by Will. Trenwith about the insolence of the Scotch at Caledonia. I hope my journal and report about Rhode Island (Nov. 27th) will meet with your approbation. It has been a very troublesome work. I cannot without injustice to Mr. Secretary Addington pretermit to acknowledge the advantage I have had of his assistance; he is a judicious man and has a good talent in doing business; I take him to be very well affected to the Crown and Government of England. *Holograph. Closely written. 7 pp. Edges torn. Endorsed,* Recd. Jan. 19th. Read Feb. 9th, $\frac{1699}{1700}$. *Enclosed,*

1,011. I. Abstract of preceding. $2\frac{1}{2}$ *pp.*

1,011. II. Affidavit of Jno. Cutler, Chirurgion, that James Gillam was circumcised. Boston, Nov. 16, 1699. *Copy.* $\frac{1}{2}$ *p. Endorsed,* Recd. Jan. 19, $\frac{1699}{1700}$.

1,011. III. Affidavit of Joseph Frazon that Gillam had been circumcised but not after the manner of the Jews. Boston. Nov. 29, 1699. *Copy.* $\frac{1}{2}$ *p. Same endorsement.*

1,011. IV. Francis Brinley, Newport, Aug. 10, 1699. I am old and weak and have no part in public affairs. There is a general averseness to seizing pirates here, the sweetness of gain having drawn many aside. Quakerism is in the ascendant in the Government here, and Quakerism and good Government are not compatible. *Copy.* 1 *p. Same endorsement.*

1,011. V. Col. Peleg Sanford to Lord Bellomont, Newport, Aug. 10, 1699. Edward Sands carried Gillam away westward in a small boat from Block Island. I urged the Governor for assistance unto the Marshall for searching for Gillam and India goods, which he granted in two warrants directed unto the Constables; one was sent unto Jamestown before any notice given the Marshall, and that very warrant which they were to search for goods by. It's said the warrants were to have gone together, but by mistake it was too soon sent over—wilfully I judge. There was also a warran granted for seizing Joseph Palmer, after he was seized and sent a prisoner to Marshal Dyre, although he had been publicly about town several days before, never questioned, etc. *Copy.* 1 *p.* *Same endorsement.*

1,011. vi. Copy of a pass granted by Gov. Basse to Sion Arnold, a pirate. Aug. 12, 1699. 1 *p.* *Same endorsement.*

1,011. vii. Nathaniel Coddington to Lord Bellomont. Newport, Aug. 14, 1699. Account of his endeavours to seize Gillam and the assistance given him to escape. *Copy.* 2¾ *pp.* *Same endorsement.*

1,011. viii. Peleg Sanford to Lord Bellomont. Newport, Aug. 16, 1699. On the same subject as preceding. *Copy.* 1¼ *pp.* *Same endorsement.*

1,011. ix. Depositions (*a*) of Sarah Sands (*b*) of Mary Sands, (*c*) of Edward Sands, as to the favour shown to Gillam by the Governor of Rhode Island, Gardiner, the Dep. Collector, and John Carr. Aug. 7–10, 1699. *Copy.* 2½ *pp.* *Same endorsement.*

1,011. x. Robert Gardiner's account of his dealings with Gillam. Sept. 22, 1699. 2 *pp.* *Copy.* *Same endorsement.*

1,011. xi. Deposition of Nathaniel Mott as to Gillam being harboured by Robert Gardiner, the Collector, and his reception at Rhode Island. Aug. 11, 1699. *Copy.* 1 *p.*

1,011. xii. Evidence of Christopher and Joan Hargil, Newport, Nov. 1, 1699, about Gillam. *Copy.* 1 *p.* *Same endorsement.*

1,011. xiii. Evidence of Richard Cornish, Newport, Nov. 3, 1699. *Copy.* 1 *p.* *Same endorsement.*

1,011. xiv. Evidence of Sion Arnold, Newport, Nov. 4, 1699. *Copy.* 1 *p.* *Same endorsement.*

1,011. xv. Peleg Sanford to Lord Bellomont. Newport, Nov. 8, 1699. Commissions immediate from the King are regarded by this Government as an infringement of Charter privileges and persons accepting them as enemies of their free state. I enclose evidence of the entertainment of pirates here. *Copy.* 1 *p.* *Same endorsement.*

1,011. xvi. Peleg Sanford to Lord Bellomont, Newport, Nov. 9, 1699. It is now received as if James Gillam is in Boston. *Copy.* ½ *p.* *Same endorsement.*

1,011. xvii. Examination of Andrew Knott, Boston, Nov. 13th, 14th, 1699. Kelley, *alias* Gillam, lodged a night or two in his house three weeks since. He had known him 16 years since in Virginia, and sailed in the same ship with him thence, John Cooke, commander, to the South Seas, where in four years they took about 16 prize ships from the Spaniards. *Copy.* 2½ *pp.* *Same endorsement.*

1,011. xviii. (1) Mrs. Kidd to Capt. Payen, Boston Prison, July 18, 1699. I would desire you to deliver to the bearer 24 ounces of gold and to keep all the rest you have in custody, for it is all we have to support us in time of want. *Signed,* Sarah S. K. Keede. *Copy.* ½ *p.*

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1,011. xviii. (2) Deposition of Andrew Knott that by virtue of the above letter he fetched the gold for Kidd from Capt. Tho. Payne on Connonicut Island. *Copy.* 1½ *pp.* *Same endorsement.*

1,011. xix. John Gardiner to Jeremiah Dummer. Gardiner's Island *alias* the Isle of Wight, Aug. 19, '99. Gillam came to my house and swore he would be revenged on me for carrying his gold and precious stones to my Lord. *Copy.* 1 *p.* *Same endorsement.*

1,011. xx. Deposition of Henry Blake, Boston, Nov. 21, 1699, about Robert Gardiner having Gillam's treasure in his custody. *Copy.* ½ *p.* *Same endorsement.*

1,011. xxi. Memorandum of things left by Gillam with Mr. Gardiner. Capt. Knott's affidavit thereto. Boston, Nov. 21, 1699. *Copy.* 1 *p.* *Same endorsement.*

1,011. xxii. John Nelson and Silvanus Davies to Lord Bellomont, Boston, Nov. 24, 1699. We recommend the sending of supplies at cheap rates to the Indians at the Eastward, and the erection of forts to maintain our boundaries with the French. Also that strict measures be taken against all private traders, especially in selling any kind of liquors. That all prudent means be taken for the removal of the French Missionaries. *Copy.* 2 *pp.* *Same endorsement.*

1,011. xxiii. Deposition of William Trenwich, Nov. 18, 1699. In March deponent went on shore at Caledonia with eight men from the sloops commanded by Capt. Richard Moon and Capt. Mathias. They were immediately secured and kept under arrest for 24 hours. *Copy.* 1 *p.* *Same endorsement.*

1,011. xxiv. Lt. Gov. of New York to Lord Bellomont, enclosing preceding deposition. Nov. 18, 1699. *Copy.* ¼ *p.* *Same endorsement.*

1,011. xxv. Le Chevalier de Callière to Governor the Earl of Bellomont. Montreal, Sept. 9, 1699. I send M. de la Vallière and Father Bruyas to announce my appointment as Governor of Canada. I am sure you will restore to these gentlemen the prisoners remaining in your Colony, as M. de Frontenac restored yours, and so maintain the concord which our Royal Masters command. *Copy.* *French.* 2½ *pp.* *Same endorsement.*

1,011. xxvi. Governor the Earl of Bellomont to M. de Callière. Newport, Sept. 23, 1699. I thank you for the honour you have done me. I had already written a month ago to express my pleasure at your appointment. If there are any Frenchmen still prisoners with our Indians, I will order my L.G. of New York to set them at liberty as soon as possible. One Sarah Rand has petitioned me to beg you to restore an English girl named Lydia Langley, taken by your Indians five years ago, now at Montreal. M. de Maricourt, she says, knows the girl. *Signed,* Bellomont. *Copy.* ¾ *p.* *French.* *Same endorsement.*

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1,011. xxvii. M. de la Vallière to Lord Bellomont, Oct. 11, 1699. Letter of thanks for his reception. *Copy.* 1 *p. French. Same endorsement.*

1,011. xxviii. J. Bruyas (de la compagnie de Jesus) to Lord Bellomont. Albany, Oct. 13, 1699. After thanks for his reception, he asks for permission to continue his mission among the Iroquois, interrupted by the war. M. Andros encouraged his mission among the Maquas. *Copy.* 3 *pp. Same endorsement.* [*Board of Trade.* New England, 10. *Nos.* 4, 4 i.-xxviii; *and* (*without enclosures*), 37. *pp.* 310-334.]

Nov. 29. **1,012.** Minutes of Council in Assembly of Barbados. Patrick Mein moved to be admitted to sit in chancery, on producing His Majesty's letter granting him leave of absence as Councillor. Referred to the Attorney and Solicitor General to report whether, being a native of Scotland, Mr. Mein is qualified according to the Act for preventing frauds, etc., to sit in Chancery. Lt. Col. Richard Downes was appointed Treasurer and took the oaths appointed, after his bond for £4,000 had been read; his securities, John Hallett and Christopher Estwicke. Charles Thomas appointed comptroller. [*Board of Trade.* Barbados, 65. *pp.* 476, 477.]

Nov. 29. **1,013.** Journal of Assembly of Barbados. Bill for securing the possession of negroes referred to a Committee. Resolved to raise £10,000 to defray the public debts and to consider ways and means of raising it. William Heysham granted leave to bring in a Bill to remit the Powder Duty from vessels that put in here by extremity of weather or want of food and water, and that small vessels, trading with the American parts, be not compelled to pay it more than once a year. Ordered that George Peers and William Heysham consider what men may be sufficient to guard the magazine and how such soldiers shall be paid. Address for empowering the Treasurer to make sale of the servants placed on the Country passed. [*Board of Trade.* Barbados, 65. *pp.* 456, 457.]

Nov. 29. Whitehall. **1,014.** Journal of Council of Trade and Plantations. Letters to Lord Bellomont, Col. Nicholson and Col. Blakiston ordered, to be sent forward by Dr. Bray.

Representation with Sir W. Beeston's Commission signed.

Representation upon the Laws of Maryland signed.

Nov. 30. Letters ordered yesterday signed.

Petition of the Marquis de la Muce and Mr. Charles de Sailly, asking for a portion of the Breef-money to help French refugees to settle in Carolana Florida, read. Their Lordships replied that they had not the disposal of that money, and advised them not to engage themselves in the projected settlement till H.M. will was known.

Letter from Mr. Secretary Vernon, Nov. 30, about the recovery of Kid's goods read. Draught of Instruction to Col. Codrington prepared accordingly.

Mr. Samuel Clark presented a petition of the Hudson's Bay Company. Being sensible, upon discourse, that the prayer of their petition is not properly to be complied with in the manner they

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have expressed it, they declared their intention to petition his Majesty himself, and acquiesced in their Lordships' assurance of their readiness to give them all the assistance they can.

Letter to the Earl of Jersey about Capt. Norris signed.

Dec. 1. Letter to the Earl of Jersey about a ship fitting out at Venice for Guinea signed. [*Board of Trade.* Journal, 12. *pp.* 265-269; *and* 96. *Nos.* 191-193.]

Nov. 30. Boston. **1,015.** Governor the Earl of Bellomont to Mr. Popple. I desire you will please to have my letter to Mr. Locke safely delivered to him. I never longed to hear from England so much as now. 'Tis a long time since I have heard from your Board. These pirates I have in gaol make me very uneasy. I would give £100 they were all in Newgate. In reading my letters to the Board I hope you will observe the priority of their dates, except you think the last (Nov. 29th), giving the news of my taking that arch-pirate Gillam will be pleasing to them. I enclose the account of my disbursements in the King's service; please solicite the Lords of your Board that the money may be paid to Sir John Stanley for my use. *Signed*, Bellomont. *Endorsed*, Recd. Jan. 19th, Read Feb. 9th, $\frac{1699}{1700}$. 1 *p.* *Enclosed*,

1,015. I.

Account of disbursement on journey to Rhode Island etc. - - - - -	£71	17	3
Paid for the taking of James Gillam the Pirate, Nov. 13th, 1699 - - -	£60	0	0
Total in N. England money	£131	17	3

A true account. *Signed*, Bellomont, Nov. 28, '99 1 *p.* [*Board of Trade.* New England, 10. *Nos.* 5, 5 I.; *and* 37, *pp.* 335, 336.]

Nov. 30. Whitehall. **1,016.** James Vernon to Council of Trade and Plantations. I enclose an extract of my Lord Bellomont's letter, giving an account of several parcels of Kid the pirate's plunder that have been carried to Curaçoa and the island of St. Thomas. His Majesty desires instructions to be given to Col. Codrington to use his endeavours for the recovering of the said goods, in order to the sending them hither, consigned to the Lords of the Treasury, and if Bolton or Burt, who were the managers of this commerce, with Kidd, and the abettors of his piracys, shall be found in the Leeward Islands, that they be strictly prosecuted for the same. *Signed*, Ja. Vernon. *Endorsed*, Recd. Read Nov. 30, 1699. *Enclosed*,

Sept. 8. Boston. 1,016. I. Extract of a letter from the Earl of Bellomont to Mr. Vernon. I have got some more goods of Kidd's plunder into my hands, as you will see by the copy of my letter to the Council of Trade of the 28th of last month. You will see by that letter what a strange embezilment Mr. Henry Bolton of Antegoa has made of the cargo in the ship *Quidah Marchant*, and what a knave and fool Kidd must be to let Bolton run away with so much profit; if Col. Codrington be gone to his government of the Leeward Islands, a letter to him to prosecute Bolton may not be amiss. By John Ruggles' memorial which I send you about Bolton's getting

£6,000 for his share out of that ship's cargo, you will find it was reported at Nevis that Bolton was removed to St. Thomas' Island under the Danes, and if it be true, without doubt he is gone there to be from under the power of our calling him to an account for his confederating with Kidd and imbezzelling the cargo. Therefore I should think a smart letter writ by you to that Governor to deliver Bolton and Burt up to justice, for Burt as well as Bolton has partaked of the goods on board the *Quidah*, and that largely, as I am informed; and Burt dwells at St. Thomas's. That Governor dares not disoblige the Court of England, his whole being depending on the islands belonging to His Majesty. I sent the *St. Antonio* sloop, which I took from Kidd, in quest of Bolton and Burt. She sailed hence the 2nd of last month for Antego. I writ to Col. Yemans, Lieut.-Governor of that Island, what account I had of Bolton's purloining the goods on board the *Quidah*; and sent him copies of the Lords Justices of England's and your Orders to secure Kidd, his associates and their effects. I ordered the sloop from thence to go to St. Thomas's Island, and writ to that Governor and sent him copies of my orders, and desired him to seize and secure Burt with the effects he had got on board the said ship. From thence the sloop was ordered to the place where Kidd left the ship, to see if anything could be recovered that was in the said ship. Thence she was to sail to Jamaica with my letter to Sir Wm. Beeston and copies of my said orders, and lastly to Curacoa, where the goods were sold by Bolton and Burt, with my letter also to that Governor, and copies of my orders. The fitting out the said sloop and all this circular voyage will not stand me in above £300, and certainly 'tis worth laying out that sum on such an experiment. $2\frac{1}{2}$ *pp.* [*Board of Trade.* Leeward Islands, 6. *Nos.* 45, 45 I.; *and* 46. *pp.* 13-15-17.]

Nov. 30. **1,017.** Attorney General to Council of Trade and Plantations. I have perused the forms of oaths, commissions, etc., used in Virginia and find no objection in law against any of them. *Signed*, Tho. Trevor. *Endorsed*. Recd. Read Jan. 4, 1699. [*Board of Trade.* Virginia, 8. *No.* 2; *and* 37. *p.* 368.]

Nov. 30.
Kensington. **1,018.** Order of King in Council. Repealing the Act for the service of Almighty God etc. and an Act for ascertaining the laws of this Province, passed in Maryland, 1696 and 1699. *Signed*, John Povey. *Endorsed*, Recd. Dec. 4, Read Dec. 5, 1699. [*Board of Trade.* Maryland, 3. *No.* 77; *and* 9. *pp.* 141-143.]

Nov. 30
Whitehall **1,019.** Mr. Secretary Vernon to [? Governors Winthrop, Stoughton and Cranston. *See No.* 343.]

His Majesty being informed that you have secured the effects of some pirates that were returned from the East Indies, approves of your diligence, and commands you to put them into the hands of the Earl of Bellomont, to whom he has sent his orders about sending home Kid and other pirates. My Lord Bellomont has made a voluntary offer to transmit his account upon oath of all the goods he shall receive as belonging to pirates, and His Majesty thinks it fit that those to whose hands any of the said goods are come should deliver their account in the same manner. *Copy. No address or endorsement.* ¾ *p.* [*Board of Trade.* New York, 9. *No.* 4.]

Nov. 30. **1,020.** Oliver, Marquis de la Muce, and M. Charles de Sailly to the Council of Trade and Plantations. Many distressed Protestant refugees from France would readily embark to settle in Carolana Florida if the Board would help the Petitioners to advance the charge necessary for their transport and settlement. *Endorsed*, Recd. Read Nov. 30, 1699. 1 *p.* [*Board of Trade.* Proprieties, 4. *No.* 30.]

Nov. 30. Kensington. **1,021.** Order of King in Council approving the draught of a Commission to Sir William Beeston and directing one to be prepared accordingly. *Signed*, John Povey. *Endorsed*, Recd. Read Dec. 14, 1699. [*Board of Trade.* Jamaica, 9. *No.* 2; *and* 56. *p.* 409.]

Nov. 30. Admiralty Office. **1,022.** Mr. Burchett to Mr. Popple. My Lord(s) of the Admiralty having received a letter from Capt. Cole at Algiers, wherein he gives an account that the Dey, notwithstanding his frequent applications to him, does positively refuse to permit his delivering counterparts of the passes granted by their Lordships to the ships of that Government as has been usual, but desires instead that all ships of H.M. subjects may trade without passes for the space of 18 months, in which time he hopes that some effectual means may be found out for supplying the ships therewith which belong to the Plantations, and trade from thence in the way of the Algerines, as well of [*sic* ? as] those which go directly from thence or Ireland, and the Consul informing their Lordships that the Dey insists that ships trading from one Plantation to another or from any of them to other parts where they may be met with by the ships of his Government, should, as soon as may be, be furnished with such passes, the better to secure them and to prevent any misunderstanding between His Majesty and those people, and their Lordships having discoursed Vice-Admiral Aylmer about this matter, who was some time since negotiating the same with the Dey of Algiers, and been informed by him that the reason of that Government's desiring that our ships may all trade without passes, till such time as those in the Plantations can likewise be furnished therewith, is the good inclinations they have to keep inviolable the present peace, which they are apprehensive may be infringed, in case some trade with passes and others not, I am commanded to signify the same to you. As my Lords do not think it safe the ships which trade from hence or Ireland should proceed on their respective voyages either to the Streights or elsewhere in the way of the Algerines without the usual passes, lest those rovers should under that pretence seize them as prize, so they think it very advisable that the ships trading among the Plantations should be likewise furnished therewith as soon as 'tis possible, and therefore desire my Lords of the Council of Trade and Plantations will give them their opinion through whose hands in the respective Plantations the said Passes ought to pass to the Masters of Ships belonging to them, and what rules and instructions may be most properly given for the obliging those persons entrusted with the passes, as well as the Masters to whom they shall be from time to time delivered, to make a right use and application thereof, that the ships of H.M. subjects may not suffer prejudice by foreigners trading under the protection of the said passes, which their Lordships are very apprehensive of. *Signed*, J. Burchett. *Annexed*,

1,022. I. Copy of a letter from Mr. Robert Cole, Consul for the English nation at Algiers, dated Sep. 6, 1699, referred to in the foregoing letter and giving an account of his negotiations with the Dey. [*Board of Trade.* Trade Papers. 14. *pp.* 380-385.]

Nov. 30.
Whitehall.
1,023. Council of Trade and Plantations to the Earl of Jersey. Capt. Norris desires to be rewarded for his particular service on land in Newfoundland, which belonged not to his commission as Commander in Chief at sea. He discharged his duty with great care. *Signed*, Earle of Stamford, Sir Philip Meadows, Wm. Blathwayt, Jno. Pollexfen. [*Board of Trade.* Newfoundland, 25. *pp.* 336, 337.]

Nov. 30.
1,024. Hudson's Bay Company to Council of Trade and Plantations. The Company set forth an ample state of their case July 3. Finding the design of the French to encroach more and more upon them, they now represent as briefly as they can the substance of their case. The title of the Crown of England to all Hudson's Bay has been made out and deduced for above 200 years. The Company in prosecution of the rights granted them by Charles II. and in procuring a great trade have been at above £200,000 charge besides losses in voyages and depredations of the French of above £120,000 more. In 1682 the French first invaded the English at their factory at Fort Nelson by a private piratical expedition, afterwards disowned. This was the first time that ever the French came into Hudson's Bay. In 1686 in time of peace they surprised 3 factories at the bottom of the Bay and murthered several Englishmen and took away above £50,000 sterling in beaver skins, etc. In 1687 King James pressed for reparation in full, but the Revolution prevented the Company receiving satisfaction. April, 1689, King William made the injuries done the Hudson's Bay Company one of the principle articles of his declaration of war against the French. In 1692 the Company during the war, at the expense of £20,000, recovered their factories at the bottom of the Bay and in 1696 their factory of Port Nelson, called York Fort, they recovered with the aid of two men-of-war, but at the moment of the conclusion of the Peace of Ryswick the French retook it and remain possessed of it. The secret insinuations of the French have greatly interfered with the Company's trade with the Indians. *Signed*, Samuel Clarke, Deputy Governor, John Nicholson, John Pery, John Bromwell, Samuel Pitts, R. Nicholas, Step. Evance. *Endorsed*, Recd. Read Nov. 30, 1699. 2 *pp.* [*Board of Trade.* Hudson's Bay, 2. *No.* 24 ; *and* 3. *pp.* 81-86.]

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Nov. 30.
Whitehall.

1,025. Council of Trade and Plantations to Governor the Earl of Bellomont. We have lately received many letters from your Lordship and shall give particular answers to all of them with what speed we possibly can. In the meantime we send a letter from His Majesty relating to pirates (though it be not the main thing intended on that subject) through Dr. Bray. *Signed*, Stamford, Ph. Meadows, Wm. Blathwayt, Jno. Pollexfen. [*Board of Trade.* New England, 37. *pp.* 189, 190; *and* New York, 53. *pp.* 375, 376.]

Nov. 30.
Whitehall.

1,026. Similar letter to Governor Blakiston. [*Board of Trade.* Maryland, 9. *p.* 440.]

Nov. 30.
Whitehall

1,027. Similar letter to Governor Nicholson. [*Board of Trade.* Virginia, 37. *pp.* 364, 365.]

Dec. 1.

1,028. Order of the House of Commons, that a copy of the Privy Seal and of the indenture and commission under the Great Seal of England granted to Capt. Kidd, and of the petition and all other papers upon which the same were granted be laid before this House, as also such representations as were made by the merchants relating to pirates and an account of what Captain Kidd has done abroad and what has been done thereupon here. *Signed*, P. Jodrell. Recd. Read Dec. 4, 1699. ½ *p.* [*Board of Trade.* Plantations General, 5. *No.* 38; *and* 35. *p.* 134.]

Dec. 1.

1,029. Council of Trade and Plantations to the Earl of Jersey. Mr. Broughton has a little mistaken the matters he writes about (*Vide No.* 963 I.) We enclose a copy of our representation (Sept. 15) concerning the Logwood Ship, Caleb Fibber (or Phippard) Commander, that being a matter much of the like nature. We do not conceive that the Patent of Charles II, upon which the Royal African Company found their right to the rivers and forts they enumerate (*Nov.* 23) and to the whole coast of Africa from Sally to Cape Bon-Esperanza, can give them any manner of right to exclude foreigners from trading on that vast coast further than they have castles, forts or other strength in each place to enable them to do it. But as for His Majesty's subjects it is true that by a late Act of Parliament all others not of that Company trading between Cape Blanco and Cape Bona Esperanza are subjected to certain conditions and the payment of a certain duty to the Company under penalty of forfeiting both ship and goods. And this being the case, however much it may be the interest of England that H.M. subjects, either of that Company or others, should preserve unto themselves as much as they can the benefit of that profitable trade, yet we do not see any ground of right to exclude foreigners of any nation whatsoever from trading also to places not actually in English possession, as the Portuguese, Dutch, Danes, Brandeburgers and others have long practised, nor of preferring any formal complaint against the Princes or States that encourage it in their subjects. The only remedy that we know against Englishmen or other H.M. subjects sailing in such foreign ships is that, whenever they are met with by any of H.M. ships of war the commanders may press and take them out of such foreign ships, which we understand has been sometimes done, and we conceive may in like manner be done when opportunity offers by the commanders of any forts or places on land having Commissions of Admiralty Jurisdiction, as we suppose the African Company and their officers have. As to what Mr. Broughton writes about Phippard's Pass from the Deputy Governor of Antigoa and his proposition thereupon, we conceive that all the Governors of H.M. Plantations are directed upon their instructions upon the Acts relating to trade, which they are sworn to observe, not to permit any ship to lade any of the enumerated Plantation commodities in their respective Governments without security have first been given, either in England or in the Plantations, that the goods shall by the said ship be brought either to some other of the Plantations or to England, Wales or Berwick-upon-Tweed, which seems to be all the precaution that can well be used in relation to trade from thence. And as to the apprehension intimated of foreigners carrying negroes thither, there are laws to the contrary, which not only Governors are to see executed, but also the officers of the Customs are engaged by their own interest in the penalties and confiscations to be watchful against all contraventions of the said Acts. But as for foreigners carrying negroes to any other places not under His Majesty's Jurisdiction, we know of no right to hinder them. *Signed*, Stamford, Lexington, Wm. Blathwayt, Jno. Pollexfen, Abr. Hill. [*Board of Trade.* Trade Papers, 14. *pp.* 375-379.]

Dec. 2. Bristol. **1,030.** Copy of Deposition of James Brown. I never heard any ill of Governor Day. Adderley was imprisoned in Bermuda Sept. last for striking a Public Officer. 1½ *pp.*

1,030. I. Copy of Deposition of Richard Cradduck and John Harlooe. Governor Day is well-beloved. Harlo heard that Isaac Adderley was imprisoned upon the complaint of his men. 1½ *pp.* [*Board of Trade.* Bermuda, 3. *Nos.* 58, 58 I.]

Dec. 4. Bermuda. **1,031.** Petition of Edward Randolph to the Court of Assizes for a writ of Habeas Corpus. *Enclosed,*

1,031. I. *Mittimus* of June 8. *Signed*, Gilbert Nelson, Chief Justice. *Copies.* [*Board of Trade.* Bermuda, 39. *p.* 18.]

Dec. 4. **1,032.** Abstract of Representations made by merchants and others, 1697, 1698, relating to Piracies in the East Indies. [*Board of Trade.* Plantations General, 35. *pp.* 136-138.]

Dec. 4. Boston. **1,033.** Isaac Addington to Mr. Popple. I send herewith by the *Jane* of Jersey, John Dauvergne, Master, duplicates of the Minutes of Council of Massachusetts Bay, Ap. 11-Aug. 24, 1699, and of the Journal of Assembly, May 31st, with the Acts and Laws then made. His Excellency sends so full accounts of all affairs relating to this Government that it would be superfluous for me to write. *Signed*, Isa. Addington. *Copy.* 1 *p.* *Endorsed*, Recd. Jan. 19, $\frac{1699}{1700}$. [*Board of Trade.* New England, 10. *No.* 6; *and* 37. *pp.* 230, 231.]

Dec. 4. **1,034.** An account of what Captain Kidd has done abroad according to the information received by the Commissioners for Trade and Plantations, and what has been done thereupon.

1699.

The East India Company having, about Aug., 1698, communicated some informations they had received from their Factors in the East Indies of piracies committed by Capt. Kidd, circular letters were thereupon sent to all the American Plantations by the Secretary of State commanding the Governors there to make search and seize him if he came within their reach. The first advice of Kidd's return to America was a letter from the President and Council of Nevis to Mr. Secretary Vernon (May 18, 1699), (*abstract of their account*), and to the Commissioners for Trade (June 27, 1699), from which and other advices from Lord Bellomont it appears that Kidd sailed from St. Thomas's for the Island of Mona lying between Porto Rico and Hispaniola and there meeting with one Bolton of Antegoa and one Burt of St. Thomas's he sold them several goods and sent Bolton to Curassao to fetch him provisions, which being done he bought of Bolton a sloop and therein laded the best of his own goods and sailed towards New York, leaving Bolton in trust with the *Quidah Merchant*. The next advice of him was from Col. Quary, Judge of the Admiralty Court in Pennsylvania, who wrote, June 6 (*q.v.*) that Kidd was arrived in Delaware Bay. From thence it appears he sailed into the Sound of New York, sending word to his friends at New York. (*Repeats substance of Bellomont's Letter, July* 26.) On July 6th Lord Bellomont caused Kidd to be seized and committed to prison. Such of his men as could be met with were seized and by informations of some of them, it appears that about April, 1696, he sailed in the *Adventure* galley from Plymouth to New York and in his way took a French prize which he carried with him. From New York he sailed to Madera, thence to Bonavista and St. Jago, where he took in provisions and proceeded to Madagascar. After that, having sailed to and again and touched in several places, he cruized off the Babs at the entrance of the Red Sea in expectation of ships that might pass by, but effected nothing there. Thence he sailed to Calicut and after 4 or 5 days' stay went a cruizing upon that coast and there took a ship of 150 tons laden with cotton, which he carried to Madagascar, May, 1698. Five weeks after he took the *Quidah Merchant* of 400 tons, commanded by Wright, an Englishman, which he carried into St. Maries near Madagascar and shared the goods with his company, about 115 men. After that, 90 of the company left Kidd and went aboard the *Mocha* frigate. Kidd and the men that remained with him carried their goods aboard the *Quidah Merchant* and ran the *Adventure* galley on shore, she being very leaky, and set her on fire, and having procured some more men came away for the West Indies.

Lord Bellomont in transmitting this account of his proceedings in relation to Kidd said that he was fearful of the escape of the prisoners and that there are no laws in that country for punishing piracy with death and that the people are so favourable to pirates that there could be no expectation of any justice against them there. Upon which their Excellencies the late Lord Justices sent one of H.M. ships to fetch over Kidd and other pirates in safe custody together with their effects that had been seized, and the evidences in order to their being tried here. But the ship having met with storms at sea and suffered such damage that she could

1699.

not proceed, is lately returned into Portsmouth. [*Board of Trade.* Plantations General, 35. *pp.* 139-148.]

Dec. 4. Whitehall. **1,035.** Journal of Council of Trade and Plantations. An Order of the House of Commons (Dec. 1), being brought hither, their Lordships agreed upon two papers (i) Abstract of Representations made by merchants and others, 1697, 1698, relating to piracies in the East Indies; (ii) An Account of what Capt. Kidd hath done abroad and what hath been done thereupon, which were put into Mr. Blathwayt's hands to deliver to the House of Commons.

Dec. 5. Order of Council, Nov. 23, about H.M. ships carrying off servants etc. read. Copies ordered to be sent to all Governors.

Order of Council, Nov. 23, about Mr. Richier and Mr. Trot, read.

Order of Council, Nov. 30, about Maryland Laws read. Ordered to be sent to the Governor.

Letter from Sir W. Beeston, Aug. 24, read.

Copy of Commission for administering oath to the Governor of Pennsylvania, Ap. 30, 1697, read.

Letter from Mr. Usher, late Lt.-Gov. of N. Hampshire, Boston, Sept. 21, read.

Letter from the Earl of Jersey, Nov. 24, referring Capt. Elrington's petition, read.

Letters etc. from Lord Bellomont, Aug. 24, Sep. 11, Sep. 15, Aug. 28, Sep. 9, were laid before the Board.

Dec. 6. Letter from Mr. Burchett about Algier Passes read. Admiral Aylmer summoned.

Answer to Lord Jersey about Capt. Elrington (Nov. 24) ordered,
Dec. 7. and signed.

Admiral Aylmer said the Government of Algiers was very desirous to keep peace with England and in order thereunto were willing that all ships navigated with the major part English seamen should be free from their capture for 18 months till Plantations ships etc. may be furnished with passes according to the Treaty. Letters to Mr. Secretary Vernon and Mr. Burchett for further information ordered. Representation with draught of an Instruction for Col. Codrington about Kidd's goods signed.

Dr. Dockwra was given the observations of the Board upon the Memorial of the Proprietors of East New Jersey.

Dec. 8. This day was devoted to the consideration of Lord Bellomont's letters, New York, Ap. 13th, 17th, 27th, May 3 and 13. Mr. Boyd, a Frenchman lately come from Carolina, was summoned to give information on the expediency of promoting a new trade with some Indians on the back of Carolina mentioned in the letter Ap. 13. [*Board of Trade.* Journal, 12. *pp.* 269-289; *and* 96. *Nos.* 194-198.]

Dec. 5. **1,036.** Copy of the Commission given to several persons for administering to the Governor of Pennsylvania the oath appointed by Act of Parliament for preventing frauds etc. Ap. 30, 1697. *Endorsed*, Recd. Dec. 5, 1699. 4¼ *pp.* [*Board of Trade.* Proprieties, 4. *No.* 31.]

Dec. 6. **1,037.** John Poyntz to the Council of Trade and Plantations. The matters of fact referred to in my memorial, for which you require proof, I have often heard from the three last Residents and Envoys from the Court of Courland to the English Court. (1) Mr. Lucas Lyons, Resident for nearly 50 years in the reigns of Charles I. and II. save for about 4 years when (2) Abraham Marine intervened. Mr. Lyons' widow lives next door to the Peacock in King's street near St. James' Square, Westminster, and has her husband's papers. (3) Monsieur Bloombergh. I annex a copy of his letter to me in June, 1695. He lives at Doctor Dickinson's house in St. Martin's Lane in the Strand, and will, I presume, be ready to confirm the account of Tobago here given. As to the word *Surinam* in my memorial that was a mistake and should have been Cajan. The other circumstances are notoriously known or may be had from the Records. I repeat my humble prayer to your Lordships that His Majesty may be graciously pleased to encourage this much desired and noble expedition by ordering me one of H.M. lesser frigates for this service and other projects worth some millions sterling of which his Majesty is to have one-fifth part. *Signed*, John Poyntz. *Dated*, Dec. 6, 1699. 3 *pp.* *Annexed*,

1,037. i. Monsieur Blombergh to Capt. Poyntz. This is an abstract from my memory, as I sent back all the original papers and copies seven or eight years ago. His late Highness Duke Jacobus in Livonia of Courland and Semigalia, whose godfather was King James I., bought the island of Tobago with consent of the King, and took possession of it when it was quite empty and deserted. He built a fort upon it and called it after his own name, Jacobus; took a world of pains in clearing it from stubs and stocks, and for many years together enjoyed and planted it, without any contradiction or interruption, until one Lampson, a Zealander, a wealthy man and one of the States, who had got into a corner of the island, and after much dispute was suffered there to plant, paying a yearly tribute to the Duke, took advantage of the war that happened between the Swedes and Poles and of the Duke's imprisonment, to dispossess the Duke of the island. For he appeared with some forces before Fort Jacobus and persuaded the the garrison that, as the Duke was a prisoner, they could not expect relief from Courland. The soldiers mutinied, chained the Governor and forced him to capitulate. Lampson engaged himself to restore the Island and Fort with all that was left there, according to an inventory made for that purpose, as soon as the Duke was at liberty again. Thus the Hollanders being got in possession of that island, the Duke after a long time fruitless endeavours with Lampson first and then with the States, sent an Envoy to England, to try if he could prevail with King Charles II. to assist him for the recovery of that island. The King was willing to undertake the resettling him in it by way of concession or grant upon condition that he should yield to his Crown the Island of Gambia in Guinea, etc., as the grant of Nov. 17, 1664, doth show. His Majesty at the same time sent a letter to the States General to let them know of this grant and to recommend to them the just persuasions of the Duke. His Majesty, intending to retake the Island from the Dutch by fair or foul means, when a war broke out between the English and Dutch, the King's forces landed in that island, whereupon the Duke of Courland ordered a ship to hasten thither, but soon after news came that the English, not hearing from the Duke by reason of the distance, to put him into the possession of it, had done there no more than what is usually done by land, to fall upon the enemies in their quarters, to plunder, kill and destroy and then retreat. The like happened in the war after, so that the Hollanders, being in a more readier and nearer posture, always prevented the Duke from getting into possession. At last the Count de Etree, the French Admiral, took the island and made a miserable slaughter and extirpation of the Dutch, but quitted the island again, and some of the French gentry and merchants soliciting that King to grant the island to them, the French King generously declared that it belonged to a neutral Prince, who was concerned in no war. Thus the judgments of God having cleared the island of the usurpers, the Duke without further loss of time prepared to send some ships thither, and King Charles II. sent his Royal Letter to the Governor of Barbados, directed to Sir Jonathan Atkins, dated Jan. 19, 1680, to assist the officers of the said ships to supply themselves with what they might stand in need of. The like letter the same King dispatched some time before for the said Governor with one of the Duke's ships called the *Flower Pot*, but one Capt. Nayell, the commander, betrayed the same to those of Algiers. Since, the Duke sent several times ships thither, some returned, some perished. At last the Duke Jacobus died and the present Duke sent another Governor thither with 400 men, who, after the Governor's death, dispersed. Since that time the Duke hath still continued in possession of the Island by sending ships and men thither, and, I believe, at the present he hath some there and is fitting out some others for that purpose. Now if there were a suitable assistance from the English for settling the same, who understand plantations better than any others, there is no doubt but in a little time [it] must prosper, the island being able to be improved to a vast interest and profit. Therefore seeing there are gentlemen of worth to engage in it, I should very willingly take upon me all those services which might procure them easy and reasonable terms for the settlement of the island and matters of government. *Signed*, Charles de Blombergh. June 11, 1695. *Copy*. 3 *pp*. *Endorsed*, Recd., Dec. 6, Read Jan. 2, 1699. [*Board of Trade*. Barbados, 8. *Nos*. 29, 29I.; *and* 45. *p*. 4.]

1699.
Dec. 7.
Whitehall.

1,038. William Popple to Josiah Burchett. The Council of Trade and Plantations would be very glad to be possessed of all the regulations and methods now practising by the Admiralty Board in relation to Passes. [*Board of Trade.* Trade Papers, 14. *p.* 386.]

Dec. 7.
Whitehall.

1,039. Council of Trade and Plantations to Mr. Secretary Vernon. We understand that you have some letters lately received from the Government of Algier upon the business of Passes and desire the favour of you to communicate to us what you think proper relating thereto. *Signed*, Stamford, Lexington, Ph. Meadows, Wm. Blathwayt, Jno. Pollexfen, Abr. Hill, Geo. Stepney. [*Board of Trade.* Trade Papers, 14. *p.* 386.]

Dec. 7.
Whitehall.

1,040. Council of Trade and Plantations to the Earl of Jersey. We are of opinion that Capt. Elrington [Nov. 24] is fitly qualified to serve H.M. as L.G. of Nevis, but do not find that there has been hitherto any salary for any L.G. of any of the Leeward Islands. *Signed*, Stamford, Lexington, Ph. Meadows, Wm. Blathwayt, Jon. Pollexfen, Abr. Hill, Geo. Stepney. [*Board of Trade.* Leeward Islands, 46. *p.* 21.]

Dec. 7.
Whitehall.

1,041. Council of Trade and Plantations to the King. We humbly present a draught of an Instruction to Col. Codrington to endeavour to recover goods plundered by Kid and carried to St. Thomas'. With relation to those carried to Curaçoa, we offer that a like Instruction be given to Sir Wm. Beeston. *Signed*, Lexington, Ph. Meadows, John Pollexfen, Abr. Hill, George Stepney. *Annexed*,

1,041. I. Draught of additional Instruction to Col. Codrington referred to in preceding. [*Board of Trade.* Leeward Islands, 46. *pp.* 22-24.]

Dec. 7.
Kensington.

1,042. Order of King in Council. Upon a representation from the Lords Commissioners of Trade and Plantations, instructions are to be prepared for the Governors of the Leeward Islands and Jamaica to use their endeavours for the recovery of goods plundered by Kidd the pirate and carried to Curassaw (*Curacoa*) and for the prosecution of such persons as have been managers with him in that commerce. *Signed*, Edward Southwell. *Endorsed*, Recd. Read Dec. 14, 1699. [*Board of Trade.* Leeward Islands, 6. *No.* 46 ; *and* 46. *pp.* 25, 26.]

Dec. 7.

1,043. Minutes of Council in Assembly of Barbados. Upon an address of the Assembly it was ordered that the Churchwardens should bring in the lists of the several parishes and that the late Treasurer should bring in a list of the names of the persons on whom servants were lodged, and the number, and that persons on whom they are placed have notice to give an account of them. [*Board of Trade.* Barbados, 65. *pp.* 479, 480.]

Dec. 8.
Whitehall.

1,044. Mr. Secretary Vernon to Council of Trade and Plantations. I send you copies of what I received from Vice-Admiral Aylmer relating to Passes, with an extract of what was writ to him from hence upon that subject. What your Lordships have heard of fresher letters from Algiers, I suppose they have

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been sent to my Lord Jersey, who I hear has received a packet from hence, which he intends to lay before His Majesty on Sunday next. *Signed*, Ja. Vernon. [*Board of Trade.* Trade Papers, 11. *p.* 405.]

Dec. 8. Bermuda. **1,045.** Discharge of Edward Randolph from prison. *Signed*, Charles Minors, Clerk of Assise. *Copy.* [*Board of Trade.* Bermuda, 39. *p.* 19.]

Dec. 9. **1,046.** Copy of a contract of agreement between the Duke of Courland's envoy and Nicholas Dupin, John Britton, Thomas Puckle, John Beighton, Richard Goddard, and Joseph Blake, about Tobago. Dec., 1699. *Endorsed*, Communicated to the Board by Mr. Stepney. Recd. Feb. 9, $\frac{1699}{1700}$. 5¼ *pp.* *Latin.* [*Board of Trade.* Barbados, 8. *No.* 35.]

1,047. Copy of above. *Signed*, by the contracting parties. *Dated*, Dec. 9, 1699. *Endorsed*, Recd. March 18. Laid before the Board, March 22, $\frac{1699}{1700}$. 18 *pp.* *Latin.* [*Board of Trade.* Barbados, 8. *No.* 37.]

Dec. 11. Whitehall. **1,048.** Council of Trade and Plantations to Mr. Secretary Vernon, applying on behalf of Col. Edward Fox that he may have a particular warrant to be admitted into the Councils of the Leeward Islands without staying for Gov. Codrington's arrival. *Signed*, Wm. Blathwayt, Jon. Pollexfen, Abr. Hill. [*Board of Trade.* Leeward Islands, 46. *pp.* 24, 25.]

Dec. 11. Admiralty Office. **1,049.** J. Burchett to Mr. Popple. I send you the regulations and methods now in force in relation to Mediterranean Passes. *Signed*, J. Burchett. *Annexed*,

1,049. I. Copy of rules and regulations for Mediterranean Passes, 1676-1698. [*Board of Trade.* Trade Papers, 14. *pp.* 392-405.]

Dec. 11. Whitehall. **1,050.** Journal of Council of Trade and Plantations. Letter to Mr. Secretary Vernon, applying for a particular warrant for Col. Fox, ordered and signed.

Draught of a letter in reply to Governor Nicholson, July 1, read.

Col. Parks and Mr. Perry ordered to attend.

Dec. 12. Representation upon the necessity of an able Judge and Attorney General being sent to New York ordered. Signed, Dec. 14.

Mr. Boyd promised an account in writing of what he knows about trade with the Indians and about Carolina.

Lord Bellomont's letter, May 15, read and considered.

Dec. 13, 14. Col. Parks and Mr. Micajah Perry agreed that Mr. Robt. Carter and John Custis, named in Col. Nicholson's list of persons fit for the Council of Virginia, are fitly qualified. Representation ordered recommending them and signed.

Representation and instruction for Sir W. Beeston to receive the salary of a Capt. General ordered and signed.

Sir Henry Ashurst delivered the report of William Pa[r]tridge and Benjamin Jackson on Naval Stores in New England, Sept. 25.

Memorial from Col. Codrington, proposing alterations in the Councillors appointed for the Leeward Islands, read. Answer

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ordered that, they having been chosen by this Board with great deliberation, no alteration was thought fit at present.

Order of Council, Nov. 30, about Sir W. Beeston's Commission read.

Order of Council, Dec. 7, about an Instruction to the Governor of the Leeward Islands, read.

Report of Attorney General upon the Laws of Maryland, 1692-1698 laid before the Board.

Dec. 15. Mr. Attorney General's report about Dr. Cox's title to Carolana Florida presented by Dr. Cox and read. Dr. Cox ordered to attend Monday next to prove several articles in a paper he lately presented to the Board entitled, "A Demonstration of the King of England's just pretension to the Province of Carolana Florida, and of the present Proprietary under His Majesty." Secretary ordered to inform the Lord Privy Seal that the Board will consider Dr. Cox's petition then. [*Board of Trade.* Journal, 12. *pp.* 290-297; *and* 96. *Nos.* 199-203.]

Dec. 12. **1,051.** Attorney-General to the Council of Trade and Plantations. I am of opinion that Dr. Cox hath a good title to the Province of Carolana and tract of land in Virginia called Norfolk County. The original deed from Sir Robert Heath (*conveying the grant to Lord Maltravers*) doth not appear, only the counterpart signed by the Lord Maltravers, but it was made so long ago as the 13th year of Charles I., and has been recited in the several subsequent conveyances, and no claim has ever been made by the heirs of Sir Robert Heath. *Signed*, Tho. Trevor. *Endorsed*, Recd. Read Dec. 15, 1699. 2½ *pp.* *Enclosed*,

1,051. I. Abstract of the title of Dr. Cox to Carolana Florida. 1¼ *pp.* [*Board of Trade.* Proprieties, 4. *Nos.* 32, 32 I.; *and* (*without enclosure*) 26. *pp.* 136-139.]

Dec. 12. **1,052.** Minutes of Council of Nevis. Capt. Rupert Billingsley, Commander of H.M.S. *Queenborough*, ordered to take command of H.M.S. *Margett* now ordered to attend this Government in place of the *Queenborough*. [*Board of Trade.* Leeward Islands, 64. *p.* 511.]

Dec. 12. **1,053.** Minutes of Council of Montserat. Act to renew the impost upon liquors for a year passed. [*Board of Trade.* Leeward Islands, 64. *p.* 546.]

Dec. 12. Whitehall. **1,054.** Earl of Jersey to the Council of Trade and Plantations. I send you copies of a letter from the Dey of Algiers and from Mr. Cole, about Passes. His Majesty would have you report your opinion what is proper to be done to satisfy the Government of Algiers in this matter and to provide for the ease and security of the Trade and Navigation of H.M. subjects. *Signed*, Jersey. [*Board of Trade.* Trade Papers, 14. *p.* 406.]

Dec. 14. Whitehall. **1,055.** Council of Trade and Plantations to the King, enclosing draught of an Instruction to Sir William Beeston as to his salary as Governor. *Signed*, Stamford, Lexington, Wm. Blathwayt, John Pollexfen, Abr. Hill, George Stepney. *Annexed*,

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1,055. i. Draught of Instruction to Sir William Beeston to take £2,000 salary. [*Board of Trade.* Jamaica, 56. *pp.* 410, 411.]

Dec. 14.
Kensington.

1,056. Order of King in Council approving of preceding draught of an Instruction and directing accordingly. *Signed*, Edward Southwell. *Endorsed*, Recd. Read Dec. 22, 1699. [*Board of Trade.* Jamaica, 9. *No.* 4; *and* 56. *p.* 413.]

Dec. 14.
Whitehall.

1,057. Earl of Jersey to Council of Trade and Plantations. On your report of the 7th, His Majesty is pleased to appoint Capt. Elrington to be Lieutenant Governor of Nevis. A draught of his Commission is to be prepared accordingly. *Signed*, Jersey. *Endorsed*, Recd. Read Dec. 19, 1699. [*Board of Trade.* Leeward Islands, 6. *No.* 48; *and* 46. *pp.* 26, 27.]

Dec. 14.

1,058. Governor Codrington to Council of Trade and Plantations. 'Tis most humbly recommended for consideration whether it be for His Majesty's service that Mr. Burt, Mr. Danl. Smith and Mr. Abbot be left out of the Council of Nevis, whether Mr. Crisp should be left out of the Council of St. Christopher's, and whether Mr. Mead, who is the King's Commissioner, and has double the estate of any of the other Councillors, should be placed at the lower end of the Councils and by that means discouraged from serving at all. Col. Holt (if Mr. Popple be directed to write a line to him), Col. Bayer, Mr. Cary and Mr. Martin, who does business for most of the gentlemen of Nevis, can give the best answers to such questions as their Lordships shall think fit to ask. *Signed*, Chr. Codrington. *Endorsed*, Recd. Read Dec. 14, 1699. [*Board of Trade.* Leeward Islands, 6. *No.* 47.]

Dec. 14.

1,059. Council of Trade and Plantations to the King. Governor Nicholson having complained that, owing to the death or absence of Members of the Council of Virginia, the distance of the habitation of divers of them from the seat of Government, and the difficulties that many times happen in passing the bays and rivers, he finds it a hard matter to get a quorum, we humbly offer that Robert Carter and John Custis, who are named in Col. Nicholson's list, be appointed. *Signed*, Stamford, Lexington, Wm. Blathwayt, Jno. Pollexfen, Abr. Hill, Geo. Stepney. [*Board of Trade.* Virginia, 37. *pp.* 365, 366.]

Dec. 14.
Kensington.

1,060. Order of King in Council, for warrants to be prepared requiring Governor Nicholson to swear and admit Robert Carter and John Custis into H.M. Council of Virginia. *Signed*, Edward Southwell. *Endorsed*, Recd. Read Dec. 22, 1699. [*Board of Trade.* Virginia, 8. *No.* 1; *and* 37. *p.* 367.]

Dec. 14.
Whitehall.

1,061. Council of Trade and Plantations to the King. We are humbly of opinion that unless Lord Bellomont be assisted by two able lawyers of known probity to supply the places of Chief Justice and Attorney-General, sent from hence, it will be impossible for him to perfect what he has begun in the reformation of those evil practices which had formerly taken root in the province of New York. Much greater allowances will be necessary to invite fit persons to accept of those employments than the benefit of £100 and £70 per annum respectively at present accruing. A dependance upon the General Assembly there for a further allowance will no ways suit with your Majesty's service in the administration of justice against piracy and illegal trade. They should be assured by an establishment here, and we conceive the extraordinary charge will be abundantly recompensed by a very great increase of your Majesty's Customs here, and tend to the encouragement of fair traders both here and there. We humbly offer that the Chief Justice be empowered to officiate as Judge of the Admiralty and the Attorney General as Advocate General, with particular regard to pirates and irregular traders, not only in New York but also in the neighbouring Colonies. *Signed*, Stamford, Lexington, Wm. Blathwayt, John Pollexfen, Abr. Hill, George Stepney. 3 *pp. Endorsed*, Dec. 14. [*Board of Trade.* New York, 44A. *No.* 32; *and* 53. *pp.* 438-440.]

Dec. 14. Kensington. **1,062.** Order of King in Council. His Majesty approves the Representation relating to the necessity of sending from hence a Chief Justice and Attorney General for New York at a salary of £500 and £200 respectively. *Minute. Endorsed,* Recd. Read Dec. 22nd, 1699. ½ *p.* [*Board of Trade.* New York, 9. *No.* 5; *and* 53. *p.* 440.]

Dec. 14. **1,063.** Minutes of Council of Massachusetts Bay. Payment of the Justices' Guard at Springfield, 1698, ordered. Ann Pedder and Susannah Starkey, whose husbands were supposed lost at sea, licensed to marry again. [*Board of Trade.* New England, 49. *pp.* 261, 262.]

Dec. 14. St. John's. **1,064.** Minutes of Council and Assembly of Antigua. The Assembly, to meet liabilities for the ensuing year calculated at 676,242lbs. of sugar at 12*s.* 6*d.* per lb., proposed the following taxes;—6lb. per acre on land; 30lb. per head on 8,000 negroes; 6lb. per head on 6,000 horned cattle and 52,242lbs. on ground rents in town and trade. Total, 678,242 lbs. sugar. The Dep. Governor and Council, however, were of opinion that 500,000lbs. of sugar would be sufficient.

The Assembly proposed that as the land to the windward of the Court House had not been built on within the stated time, it should be reserved. They proposed that writs should be procured from Nevis for the new Assembly. They agreed to lessen the tax on land 1lb. per acre, and proposed to pay Justice Crabb £500 for
Dec. 15. building a platform at Parham. To these proposals the Council agreed, but continued to maintain, in spite of the protests of the Assembly, that a revenue of 500,000lbs. would suffice. A joint Committee was appointed to enquire into the number of montrosses necessary to be maintained in the forts. It was agreed to pay Mr. Freeman for building the Guardhouses, in money instead of sugar, at 12*s.* 6*d.* per lb. £200 paid to the Dep. Governor, John Yeamans, and a piece of plate, value £50, presented to George Gamble, Speaker of the Assembly, for his indefatigable industry and prudent management.

Richard Buckeridge granted a Court.

Gawen Rea granted land in St. Johns, but "not within 100 ft. to the eastward of the Court House and Prison."

Mr. Barry Tankerd was paid £30 for a negro executed according to law.

Capt. Edward Perrie was paid £22 7*s.* 9*d.* for a carpet, chair and cushion for the Council House.

The Council and Assembly received their expenses during their service in public affairs.

Nathaniel Crump, (Clerk to the Assembly), was paid 12,400lbs. for salary etc. [*Board of Trade.* Leeward Islands, 64. *pp.* 333-340.]

Dec. 18. Whitehall. **1,065.** R. Yard to Mr. Popple, enclosing His Majesty's letter to Sir William Beeston about seizing Kidd's plunder at Curaçoa. *Signed*, R. Yard. *Endorsed*, Recd. Read Dec. 20, 1699. [*Board of Trade.* Jamaica, 9. *No.* 3; *and* 56. *p.* 412.]

Dec. 18. **1,066.** Memorandum of letter from Mr. Yard to the Council of Trade and Plantations signifying that an instruction has been given by His Majesty to Col. Codrington about Kidd's plunder at St. Thomas's. *Endorsed*, Recd. Read Dec. 20, 1699. ½ *p.* [*Board of Trade.* Leeward Islands, 6. *No.* 49.]

Dec. 18. Whitehall. **1,067.** Journal of Council of Trade and Plantations. Letter to Col. Fox ordered.

Abstract of papers relating to complaints against his son, Gov. of Bermuda, ordered to be given to Sir Thomas Day.

Dr. Cox attended and repeated the substance of his "Demonstration of the King's just pretentions to Carolana," etc. Representation to state the case specially to His Majesty ordered.

Dec. 19. Letter from the Earl of Jersey, Dec. 14, read. Commission for Capt. Elrington ordered to be prepared accordingly.

Papers about passes for Algiers considered. Representation sent.

Letter reminding Mr. Pullen of his promised memorial ordered.

Dec. 20. Letters of Instruction from the King to Sir W. Beeston and Gov. Codrington about Kidd's plunder received from Mr. Yard.

Representation with Commission for Capt. Elrington signed. [*Board of Trade.* Journal, 12. *pp.* 297-300; *and* 96. *Nos.* 204-206.]

Dec. 19. Whitehall. **1,068.** William Popple, junior, to Josias Burchet. The Lords Commissioners for Trade and Plantations have taken into consideration your letter of the 30th of the last month concerning Passes with relation to the Algerines and after having consulted with Vice-Admiral Aylmer, they have commanded me (my father being indisposed), to acquaint you for the information of the Rt. Hon. the Lords Commissioners of the Admiralty that they are of opinion that the best method with respect of the Plantations and keeping the Algerines in amity with us as well as for hindering foreigners from taking advantage of our trade will be by Passes, as most agreeable to the Treaty with Algiers and to former practice. They think that in the Plantations, the Passes should be entrusted only to such governors as are appointed or allowed of by His Majesty and thereby qualified according to the late Act of Parliament. They will be ready to prepare such particular rules and instructions

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relating to the Plantations as may be most proper, in addition to the rules and instructions relating to passes in H.M. other dominions. [*Board of Trade.* Trade Papers, 14. *pp.* 407, 408.]

Dec. 19. **1,069.** Journal of Assembly of Barbados. Petition of Charles Irvin, Clerk, praying leave to withdraw his former petition to be paid a sum of money alledged to be due to him for servants placed on the Treasury, read and granted. An Act to secure the Hon. Thomas Sadleir, late Treasurer, such debts as he hath made good to the public, passed. Standing rule passed that persons fined as absent members be not admitted to their votes for the remittance of such fines. [*Board of Trade.* Barbados, 65. *pp.* 457, 458.]

Dec. 19. **1,070.** Minutes of Council of Virginia. Letter from the Council of Trade (June 28) read. The part relating to the men-of-war appointed for Virginia sent to Capt. Aldred, together with the orders of Council, Oct. 19 and 25, he having written to enquire with what orders he had not complied. Proclamation ordered for the arrest of such men, desired by the Council of Trade, as have not already been proclaimed. Kenelm Chiseldine, of Maryland, complaining against John Waugh, of Stafford County, for marrying his daughter without licence or publication of banns, he being a notorious offender in that kind, referred to Mr. Commissary Blair and Mr. Attorney General. Mr. Gawin Corbin permitted to allow some Rappahanock Indians to live upon his land. Lt.-Col. William Bassett returning a list of officers and soldiers for a troop of horse in New Kent County granted leave to list as many persons of the same county as will provide themselves with horses and arms. Attorney-General directed to draw their Commissions. Capt. Peter Cood, Commander of H.M. advice-boat *Messenger* now in Maryland, writing for orders from the Governor of Virginia, resolved that no orders need be given till next spring, the *Messenger* not being big enough to cruize in Chisapeake Bay, and therefore of no use to this Government. [*Board of Trade.* Virginia, 53. *pp.* 371-374.]

Dec. 19. Whitehall. **1,071.** Earl of Jersey to Council of Trade and Plantations, referring the enclosed petition. *Signed*, Jersey. *Endorsed*, Recd. Jan. 3, Read Jan. 4, $\frac{1699}{1700}$. *Enclosed*,

1,071. i. Petition of Benjamin Bennett, who served as Captain in the first Marine Regiment from the raising of it in 1690, and in Col. Brudenell's Regiment till last May, to be Governor of Bermudas. 1 *p.*

1,071. ii. Testimonial as to the character of Capt. Bennett. Seven signatures. 1 *p.* [*Board of Trade.* Bermuda, 3. *Nos.* 59, 59 i.-ii.; *and* (*without testimonial*) 29. *pp.* 244, 245.]

Dec. 20. Whitehall. **1,072.** Council of Trade and Plantations to the King. In obedience to your commands we lay before your Majesty the draught of a Commission for Capt. Roger Elrington to be L.G. of Nevis. *Signed*, Stamford, Lexington, Wm. Blathwayt, Jno. Pollexfen, Abr. Hill, Geo. Stepney. *Annexed*,

1,072. i. Draught of Commission referred to in preceding. [*Board of Trade.* Leeward Islands, 46. *pp.* 27, 28.]

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1,073. Lords Proprietors of Carolina to Governor Joseph Blake; James Moore, Secretary; Lantgrave Jos. Moreton; Major Robert Daniel; Capt. Edmund Bellinger; and John Ely. We fear that the powers we gave you to grant land have been used to the prejudice of us and the public, and being satisfied that the request of the Assembly, that too great parcels of land may not be granted to any one person, is reasonable, do direct (i) that you do not grant more than 500 acres to any one person except by special direction from us, (ii) that all future grants contain a provision to make the land escheat unless a settlement be made within four years, (iii) that you lay aside any thoughts of trading for us, we having altered our minds concerning that matter. *Signed*, Bath. Palatine, Craven, Bathe for Lord Carteret, M. Ashley, Wm. Thornburgh for Sir John Colleton, Tho. Amy, Wm. Thornburgh.

Dec. 20.

1,074. Lords Proprietors to Joseph Blake, Governor, and Council of South Carolina. We heartily lament the great loss you and we have had in the death of Mr. Marshall and can't be but well pleased at the generous charity of the people to his relict. There is a minister, Mr. Maston, who was designed for Sir Nath. Johnson's neighbourhood, recommended by my Lords of Canterbury and London. We hope by the next ship you will give us an account of your colony's being restored to its former healthful condition, and if you would but study and endeavour the peace and advancement of it with that zeal and conduct we do here, it would in a little time be in a most flourishing condition. *Signed as preceding.*

Dec. 20.

1,075. Lords Proprietors to Thomas Harvey, Dep. Governor, and Council of North Carolina. The Rev. Dr. Bray, a learned pious and charitable man coming into America Suffragan and Commissary to the Bishop of London, your diocesan, and designing to give you a visit, we desire you to treat him with all kindness at the public expense. He will be able to mediate in any difference that may be between Virginia and us. *Signed as preceding.*

Dec. 20.

1,076. Lords Proprietors of Carolina to Col. Nicholson, Governor of Virginia. We having the opportunity by the Rev. Dr. Bray could not omit congratulating the good fortune of Virginia in having so good and generous a Governor and ourselves so good a neighbour. We are sorry the limits are not settled between us and Virginia. We shall with all convenient speed send a Governor with instructions to wait on you and settle that affair. *Signed as preceding.* [*Board of Trade.* North Carolina, 4. *pp.* 80-82.]

Dec. 20.

1,077. Journal of Assembly of Barbados. Act to secure the peaceable possession of negroes and other slaves debated and read. Lt.-Col. George Peers and William Heysham empowered to hire any number of men not exceeding sixteen to guard the Magazine at a rate not exceeding 15 pence a day and one person to command them at 2*s* 6*d*. A memorial was delivered by William Heysham proposing as matter for consideration that, (1) a proportion of bread be allowed to slaves for their sustenance, (2) That all differences arising between Mariners, Sailors and Masters be determined before the next Justice of the Peace, as formerly, which will prevent great charges and unnecessary suits in the

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Admiralty, (3) that out of the forfeitures of £300 for carrying off a servant or slave, the owner thereof be only allowed the value of such servant or slave, and the residue be applied to some public use, which will deter any indirect practices in the Informer, who frequently appears to be the servant. [*Board of Trade.* Barbados, 65. *pp.* 458, 459.]

Dec. 20. **1,078.** Minutes of Council of Virginia. John Harwood, Master of the *Mary* of London, being in great distress for want of a carpenter to fit his ship to go to sea, Capt. Aldred ordered to let him have Stoakes for a month. Warrants and Proclamations signed. Capt. Rhodes, having mislaid the register of his ship and being a known fair trader, permitted to enter York River on making oath. Examination of some land in Henrico County, vested in His Majesty by the attainder of Nathaniel Bacon, junr., for High Treason against Charles II, ordered. Warrants for salaries signed. Oath for Masters of ships approved. Mr. Attorney-General ordered to consider the complaint of the Naval Office of the Eastern Shore that persons come from this side of Chisapeake Bay and load sloops with tobacco and bring it away, producing a certificate that bond has been given to the officer for paying the duties here. [*Board of Trade.* Virginia, 53. *pp.* 374-379.]

Dec. 20. **1,079.** Minutes of Council of Montserrat in Assembly. Impost on liquors and licences to taverners, etc., let to Capt. William Frye to farm for 69,750lbs. sugar.

Petition of John Fitzgerald Taylor, to have his levy remitted, granted.

The Assembly was dissolved. [*Board of Trade.* Leeward Islands, 64. *p.* 546.]

Dec. 21. **1,080.** Council of Trade and Plantations to Col. Fox. Upon intimation from Mr. Ellis that you had desired a copy of Col. Codrington's Instructions, we acquaint you, to prevent any mistake, that the Government of the Leeward Islands, upon the death of the late Governor, did devolve upon the President and Council of Nevis, and as they are now in the possession and exercise of the same, we are of opinion they cannot be dispossessed until the publication of H.M. Commission under the Great Seal to a new Governor. *Signed,* Stamford, Lexington, Ph. Meadows, Wm. Blathwayt, Jon. Pollexfen, Abr. Hill, Geo. Stepney. [*Board of Trade.* Leeward Islands, 46. *p.* 29.]

Dec. 21. Kensington. **1,081.** Order of King in Council. The Lords Commissioners of Trade and Plantations are to send for Dr. Cox and to take an account of the settlements alleged to have been made in Carolana, when they were made there, and how long they continued to be possessed by the Proprietor. *Signed,* Edward Southwell, *Endorsed,* Recd. Read Jan. 2, $\frac{1699}{1700}$. $\frac{1}{2}$ *p.* [*Board of Trade.* Proprieties, 4. *No.* 33; *and* 26. *pp.* 143.]

Dec. 21. Whitehall. **1,082.** Council of Trade and Plantations to the King. Your Attorney General is of opinion that Dr. Cox has a good title to the province of Carolana, 31°—36° North Latitude inclusive, on the

Continent of America, and to several adjacent islands, as also to Norfolk County in Virginia. In pursuance of this title (grant of Charles I.) Dr. Cox has assured us that about 200 Englishmen went thither and by the assistance of others who followed them made diverse settlements for trading upon the lakes and rivers there, some of which have ever since remained in the possession of the English there and are now included within the bounds of Carolina, whence he infers the actual possession of the said country many years before the treaty of Madrid (1670) is sufficiently demonstrated, and therefore the said country is to be understood as a part of the lands agreed by that treaty to belong to the Crown of England. As to the situation of Carolana with respect to the Spanish territories, Dr. Cox alleges that it being about 1,000 miles distant from Mexico and 300 miles from St. Augustin, the only settlement the Spaniards have in Florida, the further settling of the Province cannot justly give them any offence. He has given us a list of the valuable commodities, besides gold and silver, to be had in the Province. Such a settlement, he adds, may tend greatly to the security of your Majesty's other colonies, in extending a trade amongst many remote nations of Indians, which the French are daily endeavouring to engross by means of several little forts and trading houses here and there on the back of your Majesty's Plantations from Canada to Mechasippi. The settlement designed by him may become a sort of barrier between the French and your Majesty's subjects in those parts.

Whereupon we offer that, (1) according to the limits expressed in the original Patent, by virtue whereof Dr. Cox lays his claim to the Province, it does not appear by several maps we have seen that the mouth of the river, which descends from it, is included in the southern limit of 31, nor consequently that he has by the said Patent any access unto the same by the Bay of Mexico. We observe that being sensible of that defect he petitions your Majesty for some further extent of land upon the sea coast than what is granted by the foresaid patent. (2) The allowing the ancient patent in the extent of it within the Continent would occasion an interfering with the present boundaries of Carolina, but Dr. Cox has informed us that the Lords Proprietors of Carolina are come to an agreement with him upon that matter. (3) The settling of a colony in that part of the world does not appear to us to be a strengthening to your Majesty's other Plantations, nor is the situation thereof such with respect to the winds and currents by sea and the distant or inaccessible passages by land that it can easily receive succour. And this we are the more inclined to apprehend, because a considerable part of the persons designing to engage in this undertaking are French refugees, who without a constant military force will be liable to be molested by those of a different religion. (4) In respect of the Southern Plantations, where the industry of the people in improving a fruitful soil is of very great and certain value to your Majesty's Customs and to the Trade and Navigation of this kingdom, it may justly be feared lest this settlement by expectation of mines and other new and flattering hopes entice away the labouring people from thence. (5) It is not improbable the Spaniards, who pretend to a prior discovery and possession, may think Dr. Cox's claim not

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sufficient to entitle him to the benefit of the Treaty of Madrid. It is to be doubted they will not like the settling of a Colony so near the course of their navigation, and turn their resentment upon us to the prejudice of our trade, as we are informed they are now dissatisfied with the French settlement on Mechasippi on the same coast. (6) Upon consideration of the many difficulties attending this undertaking it seems natural to apprehend, what has frequently happened in other like occasions, that, instead of pursuing the ends for which such grants have been made, they have been perverted by the undertakers to the pernicious trade of stockjobbing. (7) The multiplying of Plantations tends to the encouragement of illegal trade and affords a greater opportunity for the reception of pirates. And forasmuch as Dr. Cox's proposals appear to depend as much upon considerations of State as of Trade, we humbly submit the same to your Majesty's Royal Determination. *Signed*, Stamford, Lexington, Ph. Meadows, Wm. Blathwayt, Jno. Pollexfen, Abr. Hill, Geo. Stepney. [*Board of Trade.* Proprieties, 26. *pp.* 139-143.]

Dec. 21. Whitehall. **1,083.** Journal of Council of Trade and Plantations. Representation upon Dr. Cox's petition signed.

Letter to Col. Fox signed.

The draught of an answer to Col. Codrington's memorial proposing some alterations in the Councils of the Leeward Islands being considered, their Lordships thought fit for the present to suspend their resolutions upon that matter.

Dec. 22. Upon occasion of a chimney in the Cockpit being on fire, their Lordships resolved to consider of a means for getting all the books in this office transcribed, to be kept in some other place, in case a fire should happen here. In the meantime ordered that a competent number of sacks be provided for carrying away the books upon any such accident.

Minute of Council, Dec. 14, read. Ordered that Lord Bellomont be given notice thereof.

Order of Council, Dec. 14, appointing Councillors of Virginia, read.

Order of Council, Dec. 14, approving Instruction to Sir W. Beeston about his salary, read.

Mr. Stepney was desired to draw up a state of H.M. title to the Island of Tobago.

Mr. Boscowen recommended Mr. Kendal for the Govt. of Bermuda in case Mr. Day be recalled. [*Board of Trade.* Journal, 12. *pp.* 301-303; *and* 96. *Nos.* 207, 208.]

Dec. 22. Whitehall. **1,084.** William Popple to the Postmaster of Portsmouth. I enclose a letter from the Council of Trade and Plantations to Col. Fox, who is lately gone from hence in order to embark at Portsmouth for the Leeward Islands. It being important for His Majesty's service that the said letter he delivered to him before he part, though I sent another letter to him under cover to the Mayor of Portsmouth by the last post, yet they have commanded me to send this also. *Signed*, Wm. Popple. *On same sheet*,

1,084. I. Col. Fox is sayled for the West Indis, so I send this back. *Signed*, James Wansbrugh. [*Board of Trade.* Leeward Islands, 6. *Nos.* 50, 50 I.]

1699.
Dec. 26.
Portsmouth.

1.085. Mayor of Portsmouth to William Popple. Yours with the enclosed come too late to be delivered, for the ship *Shoreham*, wherein Col. Fox is, sailed hence with a fair wind Fryday night last, but the wind turning Saturday evening to the S.W. 'twas thought the ship would return to Spithead, and therefore did not return the letter sooner, doe believe the ship may be at Plymouth. *Signed*, Jno. Blakley, Mayor. *Endorsed*, Recd. Dec. 27. [*Board of Trade.* Leeward Islands, 6. *No.* 51.]

Dec. 29.
Bermuda.

1,086. Edward Randolph to the Council of Trade and Plantations. I received your packet on the 22nd inst. and on the 24th Col. White with his son-in-law Mr. Dickinson and Mr. Spofferth, the Collector, came to town to wait upon Mr. Day for my discharge accordingly, but he hastened to the country, so that it was the 27th before they could speak to him. He told them his Council met Jan. 1 next. In the meantime I am continued a prisoner. He gives out he will do nothing about issuing a commission till he has received the original order. Upon the news of the Spanish Ambassador being ordered to depart England, I have just now wrote to Mr. Blake, Governor of Carolina, by Capt. Stow, to have a strict eye upon their neighbours the Spaniards at the fort and town of St. Augustine, about 40 or 50 leagues to the southward of Charles Town, mistrusting they may be influenced upon it, to take advantage of their present calamity, by the death of nigh 200 persons in Charles Town, and, reviving their pretended right a second time to all the southern part of Carolina up to Ashley River, make themselves masters of the whole province, being in great disorder and not in a condition to defend themselves and country. The Spaniards lay claim to these islands also. *Signed*, Ed. Randolph. *Endorsed*, Recd. April 1, Read April 5, 1699. [*sic*]. 1 *p.* [*Board of Trade.* Bermuda, 3. *No.* 60; *and* 29. *pp.* 268, 269.]

Dec. 30.

1.087. Agents of Barbados to Council of Trade and Plantations, enclosing memorial relating to islands of Tobago and Sta. Lucia. *Signed*, William Bridges. *Dated*, Scotland Yard, Dec. 30, 1699. *Endorsed*, Recd. Jan. 1, Read Jan. 2, $\frac{1699}{1700}$. *Enclosed*,

1,087. I. King Charles I. in the third year of his reign, above 70 years ago, did by his Letters Patents grant unto James, then Earl of Carlisle, all the region or country called or known by the name of the Caribe Islands, lying between the latitudes of ten degrees and twenty degrees north of the Equanoctial Line, as may more at large appear by the said Letters Patents. At which time Barbados, St. Christopher's and others were settled and peopled by the English. Soon after the said grant and pursuant to it, the said Earl ordered a party of men from Barbados to go and settle Tobago and take actual possession of it, which they did accordingly. But they could not continue there very long by reason of the unhealthiness of the country, whereby many of them having lost their lives, others got away as they could find conveniency of passage. Nevertheless divers of them stayed several months after the rest,

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till a Barbados vessel coming that way carried them all off thither. These men had put themselves during their stay under the command or government of one named Ayris, a sober, sensible man who is still alive in Barbados, whom his neighbours to this day do usually call Governor, or, when they give him his title at length, they call him Governor of Tobago. Two of his neighbours, Colonel Allumley and Major Walk, are now in London and give this information. And the said Colonel affirmed that he hath heard his father speak often of our possessing ourselves of Tobago, as is before related, he having particular knowledge of it. Some others of our Tobago adventurers, besides the said Ayris, were alive in Barbados till very lately, and many more when the present Agents of Barbados lived there. The whole affair of Tobago was then fresh in memory, and our taking possession of that island, with the accidents attending it, were a common subject of men's discourse. After our fruitless attempt to settle there, we do not find that any English have made it their constant habitation, but they freely went to it and made use of it as their own; and the people of Barbados have continually sent thither for timber and fished for turtle as they do to this day: their men continuing there two or three months at a time or more to cut the timber and get it down to the seaside. Nor did they ever ask leave or find any hindrance, save in time of war, from any other nation, so that we may truly affirm and must maintain, that we are still in possession of Tobago.

Tobago is to England as a piece of woodland to a private person. Now no man doubts but that woodland may be in propriety and possession as well as land of any other kind, nor does a man lose the possession of this land by converting it into wood or keeping it in wood, and the using of it and constant taking wood from it, not the dwelling upon it, is the true and proper possession of such land, so that a place may be possessed though it be not inhabited. Suppose a small island full of wood lay very near Barbados, which the Barbadians had tried to settle upon, but found unhealthy and unfit for habitation, afterwards they use it in common to supply themselves with wood, it cannot be thought that our possession is now lost, so that another nation might rightfully seize this island. And though Tobago be something bigger and something farther off, yet the case is really the same. Moreover, though Barbados and Tobago be at some distance upon the map and by measure (and this distance is but forty leagues, which in those parts is accounted next to nothing) yet in effect and convenience they are very near, for, since they lie northerly and southerly to each other, the same constant east wind gives a perpetual

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speedy passage backward and forward. Madera was so named by the Portugals because of the plenty of timber there found, that word in their language (as *materia* in Latin) signifying timber. For the same reason Tobago may be called the English Madera or our Timber Island; there being such mighty quantities of it carried thence to our Plantations.

'Tis granted that other nations have been upon the island since we took possession of it; first, the Duke of Courland endeavours to make a settlement, and pretends to take possession, but as his possession had no right, unless he had it from the Crown of England the place being possessed before, so his endeavours had no effect, and his people were forced by want and sickness to abandon all. Then came the Dutch under the Duke's pretended title, and they erect a fort, but they were twice expelled and their fort demolished by the English, first under Stedman and Oram, about 1665, and then under Sir Tobias Bridge and Sir William Pool in or about 1672. Afterwards the Dutch came on again and rebuilt their fort. But, about 1676, the French, under the Count D'Estré, took the fort and destroyed it, and so quitted the island. And the Dutch, who had retired into the woods, finding all in ruins, soon after quitted the island likewise, so that it was now in the same state, being cleared of all other nations, wherein it was upon our first possession. And so it hath remained to this day. And the ancient English right stands without dispute. Had the Dutch been rightful possessors and the French had beaten them out in fair war and fixed themselves in their place, it had been something like a title to the French. But since the Dutch were plainly intruders and the French, when they had disturbed their settlement, did not so much as offer to fix and settle themselves, they have no pretence or colour. Men do not gain possessions by destroying and forsaking, but by taking the thing into their hands and keeping it; otherwise Pirates and Buccaneers might lay a claim to all the places they destroy. Moreover, though the French at Tobago took and demolished the Fort and burned the houses, yet the Dutch still kept the island and quitted it not till some time after.

Without all question we had once a right to this island, by being the first possessors. How came we then to lose that right? Was it worn out by degrees or broken and lost at once? If by degrees, in how many days or months or years will such a right be worn out? If at once, when was that critical minute? They that would argue us out of our right to Tobago must fall into difficulties inexplicable. As for Sta. Lucia, the Lord Francis Willoughby being made Governor of all the Caribes by King Charles II, who had resumed my

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Lord Carlisle's interest, the said Lord Willoughby sent Colonel Cary from Barbados to the island of Sta. Lucia with above 1,400 people, and took actual and solemn possession of it, where we built a fort and several houses, and cleared and planted a good quantity of land. But the same calamity of sickness, which befell us formerly at Tobago, falling upon us here likewise, we were forced after some years to desist, but still continued to fish there and fetch timber from the island. And our right to these islands, from such a notorious, substantial and not verbal, but real taking possession, remains unquestionable, which right Sir Edwyn Stede did also assert in person at the said island in 1687, when he was Lieutenant Governor of Barbados and other the Caribe Islands, as may appear from a letter from Mr. Thomas Foulerton, late Solicitor-General of Barbados, who went upon that expedition with Col. Stede. Moreover we are well informed that before the said Lord Willoughby's time, the English had several times possessed themselves of this island and the island of St. Vincent's, and made settlements upon them, though by reason of sundry accidents those settlements had no continuance. But surely we must be deemed to take full possession of such places, when [we] actually go upon them with a competent number of people, with a purpose to settle and with fitting conveniences for that purpose and meet with no opposition. If the Government of England should permit the settling and peopling all the parts of America to which the Crown hath undoubted right, there would be very few left here to cultivate the lands and defend the Kingdom. It may easily be made appear that the encouragement given in the two late reigns to settle new Colonies in those parts hath proved of very pernicious consequence, both by suffering people to possess many places with such small numbers as in time of war do prove a great trouble and charge to England to defend; and in time of peace are of no advantage to the Kingdom, but rather constantly very prejudicial, inasmuch as they always contribute to the dispeopling of the Colonies and Islands which have been long settled, built and fortified, and which bring mighty advantages both of naval strength and riches to England. We conceive nothing will be more fatal to the English West India Trade of tobacco, sugars, cottons, ginger, indico etc. than to countenance or permit more English Colonies to be settled in them parts of the world, at least until those are fully peopled which are already possessed, built and fortified. *Signed*, Edward Littleton, William Bridges, Mel. Holder. 4 *large pp, first two torn, corner missing.* [*Board of Trade.* Barbados, 8. *Nos.* 30, 30 I.; *and* 45. *pp.* 5-10.]

1699.
Dec. 31.
Plymouth.

1088. George Lapthorne to William Popple. Col. Fox in the *Shorcham* sailed hence a Wednesday. There are two ships of our town bound to the West Indies, one to the Leeward Islands and the other to Barbados. *Signed*, George Lapthorne. *Endorsed*, Recd. Read. Jan 2, $\frac{1699}{1700}$. [*Board of Trade.* Leeward Islands, 6. *No.* 52.]

[?]

1089. Memorandum on a Representation from the Merchants etc. of Barbados and the Leeward Islands.

They do not say what number of white people they have, but represent them to be few and unarmed and the fortifications to be much out of repair, and very few Ordnance and those bad. Where the number of inhabitants is so much decreased, while the French are increased, it must be for want of proper encouragement: if those they have are undisciplined and in want of arms, it is their fault who should discipline them and provide arms. The islands have been always used to keep their fortifications in repair for their own security and at their own expense. There are few places where an enemy can land at Barbados; the Leeward Islands are more exposed, therefore a regiment is always kept there. The true reason of the decrease of inhabitants does not appear to me. I think it cannot be the decay of trade, because the French increase in both, as it is supposed we may do with the like industry and frugality. It is very true that in the late wars the French plundered some of our Island, when they had a superior strength, and it is as true that in our turn we plundered their islands and even took their part of St. Christopher's from them, and the same things may happen again in case of any future war, but the French will never in my opinion think of more than plundering our Plantations, should they have an advantage by a superiority of strength, for if they came to divide the inhabitants they have, they would be too weak to defend themselves in any place and consequently would be more liable to be attacked and ruined than our Plantations are now, and in case of war would, no doubt, even as they are, be in danger of being invaded and destroyed by a superior force, in case His Majesty should think fit to carry a war into that part of the world. But to send numbers of ships of war where seamen have always proved sickly and died in great numbers when they have continued any time, upon a suspicion or supposition of a war only, they might be incapable, if a war should break out, even of bringing their ships back again without more men and more ships being sent to strengthen and relieve. If the French Islands, especially Hispaniola, are supported from Ireland and our Northern Plantations, that would be stopped, of course, in case of a war, or may be prohibited and prevented without a war, if it were thought proper, and small cruisers are fitter for intercepting such supplies than squadrons of vast expense and subject to the inconveniences of sickness etc. before mentioned. If a large squadron were sent now to Barbados and the Leeward Islands and no war should happen, will it not be said, as it often is, that we are at the same expense in time of peace as in war, and upon imaginary dangers send our seamen to perish abroad, when they may be wanted at home? As to encouraging the Trade, I think our Colonies should be enabled to send their sugar to market as cheap

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or cheaper than the French, either by taking off the duty or suffering them to carry it directly to the best markets as the French do in some measure, or any other way that can be thought on. But a way should be found to encourage new settlers to come to our islands as the French do, and not making them servants little better than slaves, which keeps them down, that they never receive spirits like men, and sugar should, as it then may, be made as cheap as in the French islands, and exportation of rum from thence would be very well to be encouraged. I doubt whether the fortifications etc. in these islands is done at the expense of the Crown of France. I think it is done by the West India Company chiefly. And men-of-war that have been sent thither have been paid for by the Company and after come home laden with sugar, *etc.* I think there never was a squadron of ships kept at Barbados, but [*they*] have generally stopped there in their way to the Leeward Islands and Jamaica. *No date, signature or endorsement.* 4 *pp.* [*Board of Trade.* Barbados, 7. *No.* 93.]

1,090. Printed Acts of Antigua. [*Board of Trade.* Acts. Antigua, 1. *pp.* 92-98.]

1,091. Printed Acts of Barbados. [*Board of Trade.* Acts. Barbados, 1. *pp.* 309-314; *and* 2; *and America and West Indies.* Barbados, 455. *p.* 194.]

1,092. Printed Acts of Jamaica. [*Board of Trade.* Acts. Jamaica, 1.]

1,093. Printed Journal of Assembly of Jamaica. [*Board of Trade.* Sessional Papers, Jamaica, 415. *pp.* 189-207.]

1,094. Printed Acts of Maryland, 1699. [*Board of Trade.* Acts. Maryland, 1. *pp.* 513-743.]

1,095. Printed Acts of Massachusetts Bay. [*Board of Trade.* Massachusetts Bay, 47. *pp.* 140-176; *and* 48; *pp.* 93-106; *and America and West Indies.* Massachusetts Bay, 562. *pp.* 143-168.]

1,096. Printed Acts of New Hampshire. [*Board of Trade.* New Hampshire, 21. *pp.* 1-7.]

1,097. Printed Acts of New York. [*Board of Trade.* New York, 111.]

[1699 (?)] **1,098.** Hudson Bay Company to the King. Petition praying that one or two at least of the Commissioners to be appointed under the Treaty of Ryswick to determine the title to Hudson Bay may be learned in the Civil Law and Law of Nations. *Signed,* Samuel Clarke, Dep. Gov., Step. Evance, John Perry, John Bromwell, John Nicholson, R. Nicholas. 1 *p.* *No date.* [*America and West Indies.* Hudson's Bay, 539. *No.* 9.]

ADDENDA.

1621—1698.

1621.
Feb. 6. **1,099.** "Orders and Constitutions, partly collected out of His Majesty's letters patents, and partly by authority and in vertue of the said letters patents, ordained upon mature deliberation by the Governor and Company of the City of London for the Plantation of the Summer Islands, for the better governing of the actions and affairs of the said Company and Plantation." 6 Feb., 1621. *Printed Pamphlet.* Small 4to. London. Imprinted by Felix Kyngston, 1622. 84 *pp., with manuscript marginal notes. Somewhat damaged. Inscribed on title page,* Recd. the 25 Sept. 1684 from Mr. Bannier, Secy. to the Company, *in the handwriting of John Povey.* [*Colonial Papers, Vol. LXV., No.* 1.]

1635.
Dec. 21. **1,100.** Declaration of the Earl of Holland, respecting a Spanish attack upon the island of Providence. *Already abstracted under date in a previous volume of this Calendar.* 2½ *pp. Endorsed,* with description and date of document. [*Colonial Papers, Vol. LXV., No.* 2.]

[? 1638.] **1,101.** Sentence of the Lords Commissioners of Appeal from the Court of Admiralty, in the case of George Henley and Augustus Philipps and the *Golden Wolf,* belonging to the Dutch West India Company, and seized under letters of reprisal by Capts. Wilde and Harman. (*See Cal. S.P. Dom.,* 1638 *etc.*) 1 *p.* [*Colonial Papers, Vol. LXV., No.* 3 *a.*]

1639.
June 12. **1,102.** Copy of a deed of sale of lands on Long Island by James Farrett, deputy to the Earl of Sterling, to Edward Howell and others. *Certified copy* made 6 May, 1671. 3½ *pp.* [*Colonial Papers, Vol. LXV., No.* 3.]

Aug. 20. **1,103.** Copy of a deed of William Earl of Stirling, confirming the above-mentioned sale of land by James Farrett, and binding him to do any other thing that is necessary to strengthen the title of the buyers. *Copy.* 3 *pp.* [*Colonial Papers, Vol. LXV., No.* 4.]

[1659 ?] **1,104.** Petition of Cornelius Burough to Lieutenant General Edward Doyley, the Field Officers of the Army and the Captains of the Fleet. I have held my present office four years, having performed my service faithfully and received recognition of the same; notwithstanding which Captain Christopher Myngs in the hearing of others accused me of being one of the greatest rogues employed by the State, Captain Myngs adding that he could ruin me when he got home by exposing my dishonest practices. I beg that he be required to put in a charge against me, to the end that proceedings be had against him. *Certified copy.* 1 *p.* [*Colonial Papers, Vol. LXV., No.* 5.]

[1661 ?] **1,105.** Petition of William Earl of Kinnoull to the King. I am still most willing to comply with your Majesty's wish to have the Caribbee Islands in your own hands, upon receipt of reasonable compensation. In obedience to your desire I have made several proposals which were never agreed with, offering to accept the Leeward Islands in satisfaction of my interest, which you would not accept. Since then you have offered me £500 a year at present and £500 more when Lord Carlisle's debts were paid, besides a considerable sum of money out of Scotland. I beg you, therefore, to order that, after seven years, that is immediately after the expiring of Lord Willoughby's lease, I may receive £500 a year, and after that £1,000 a year, and that meanwhile these means may be secured to me and my heirs in due form, and that meanwhile you will grant me an assignment upon Scotland for [*blank*] pounds, and renew my lease of the customs of the potashes for twenty-one years. 1 *p.* [*Colonial Papers, Vol. LXV., No.* 6.]

[After May 18, 1661.] **1,106.** Arnold Brames and Co. to the Committee for Trade. The ship *Black Boy* bound from Dover for the Coast of Guinea and thence for the Barbadoes, was seized Ap. 13, 1661, off Guinea by a Dutch ship, the *Graffēna*, set out from Casteldelmaine by Jasper van Huisen, General for the Dutch West India Company there. Damage £7,570. ¾ *p. No date or signature.* [*Colonial Papers, LXV., No.* 93.]

[After Aug., 1661.] **1,107.** James Birkin, etc. owners of the *Charles*, to the Committee for Trade. The *Charles* bound from the Thames to the Coast of Guinea was seized and carried to Castledelmaine by the Dutch ship Amsterdam of Amsterdam. Damages, £25,400. ¾ *p. No date or signature.* [*Colonial Papers, LXV., No.* 94.]

1664. April 13. **1,108.** A Copy of the Secret Instructions given to the Commissioners employed in America. *See previous volume of this Calendar,* 1661-1668, *No.* 713, *where this document is abstracted.* [*Colonial Papers, Vol. LXV., No.* 7.]

[1666 ?] **1,109.** Copy of the Treaty made with the Iroquois by M. de Tracy on 13 Dec., 1665, whereby they place themselves under the protection of King Louis XIV, and declare themselves his subjects; also copies of two subsequent agreements, in confirmation of the treaty, of 25 May and 12 July, 1666. *The whole,* 15 *pp. French.* [*Colonial Papers, Vol. LXV., No.* 8.]

1666. Oct. 17. **1,110.** Record of the taking possession of the forts captured from the Iroquois by the Sieur du Bois in behalf of King Louis XIV. *Copy.* 2½ *pp. French.* [*Colonial Papers, Vol. LXV., No.* 9.]

[1666 ?] **1,111.** Don Joseph del Castillo to (?) Sir Joseph Williamson. I have two brothers with their families at Bauroma in America who carry on the trade of slave-holders, but have received notice that by order of Lord Willoughby, Governor of Barbados, the English have taken possession of that country and treat the settlers very ill. I beg you from compassion upon this misfortune of those poor men that a letter of recommendation may be sent to Lord Willoughby in their favour. *Spanish.* ½ *p.* [*Colonial Papers, Vol. LXV., No.* 10.]

[? 1668.] **1,112.** Petition of Thomas Martyn to the King. The French in the West Indies seized the *Hope*, Christopher Tugwell, master, laden from Dublin to Jamaica, 13 weeks after the war was ended. (*See Cal.* 1668, *No.* 1907.) Damage about £6,000 sterl. In March last, Gov. M. de Baas seized the *Hope*, Capt. Thomas Blackman, bound from Virginia to Barbados, which had put into Martinique through stress of weather, because Jonas Reakes, a privateer of Jamaica, had taken a Spanish vessel to which M. de Baas had given a pass. Damage to Thomas Martyn about £2,000 sterl. The *Marchand's Adventure*, laden with provisions and horses from Ireland to Barbados, was not allowed to water at Guadeloupe, thereby involving T. Martyn in a loss of above £4,000 sterl. Martyn proved his damage in the Admiralty, and petitioned the French Ambassador for satisfaction according to the Treaty at Breda, but cannot obtain justice. Petitions that there may be an order to the Commissioners of the Navy for the non-payment of moneys claimed by and granted to the French West India Company by the King in Council for losses through the English in 1665, until petitioner be satisfied. 1 *p.* *No signature, date or endorsement.* [*Colonial Papers, LXV., No.* 92.]

1669.
Feb. 28.
Bilbao
Plantation.

1,113. Nicholas Blake to the King. The masters of ships that come over hither generally report that the seamen are not paid their wadges nor owners of ships their hire, nor the carpenters their wadges, and indeed they set forth your Majesty as a bad paymaster every way, although, say they, many taxes are continually levied. Now although I am very confident that those who speak thus are Fanaticks and in their hearts do hate Monarchie, yet considering that many otherways your Majesty's good subjects (yet of shallow understanding) may be prepossessed, I propose some expedients for remedy; (i.) The appointing all seamen, carpenters, etc., to be fully paid for what is past. If your Majesty find that this scandal accrues by any of the paymasters or other officers, let them be made sensible of such great errors. (ii.) I propose that your Majesty would cause a little book to be drawn out wherein may be set down all your incomes, as well for rents of lands, quit-rents, customs, as for everything else that is fixed, and an accompt of your settled expenditure. By this means your Majesty may at an hour's warning at all times come to know the estate of the major part of your affairs. (iii.) One principal care would be to put knowing and withal very honest and serious men as chief officers and overseers in the yards, and above all that the Check be such a one. If you order to repair to you privately one Mr. John Packwood, living near Wapping dock, sometimes Check in Wolwitch Yard, he will be able to shew you that the Master Carpenter will crave allowance for about 20 men at work the whole year, and yet half of those shall not have wrought six months. And so for other officers, which if the Check will join with them it might be very profitable for him, but very chargeable to your Majesty. (iv.) If any officers of trust and profit are known to be disaffected to kingly government, it may not be amiss to use Eumenes his policy, who had many secret enemies, and, to prevent their plots, he borrowed considerable sums of money of them. If your Majesty pay interest for half a million of pounds so borrowed for some few years, you may more than save it

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other ways by paying ready money for things bought, by which means you should have all things as cheap as any Marchant whatsoever, and that saying would be revived which was usual in men's mouths in their bargaining, that their pay should be as sure as checker pay; so it seems the time was that the Checker bare away the bell for currant payment.

Recommends the appointment of two Accountants, one for maritime and the other for home matters. Other suggestions for economy, raising the coinage, etc.

The Island of Barbados is of pleasant situation, the clime very temperate, so cool as a man may very well endure to go as thick clothed all the year as in England in summer time; the days and nights in the remotest or nearest being of the sun never differ past two hours. 'Tis of length 28 miles, of breadth about 13 miles; the form oval, shaped like an egg. The place hath been, and still in many parts is fruitful in extremity, and with good husbandry may continue so to the world's end. This happy island is peopled with about 60,000 souls, white and blacks, small and great, of which the one third part or thereabouts are white people, and of those may be esteemed about 10,000 men, the most part able to bear arms; the rest women and children. 'Tis esteemed here that the Customs of the sugars of this place cannot render your Majesty less than £40,000 sterling per annum, which if so, then every one that liveth here are worth unto your exchequer a mark per head, and if in lieu of the 4½ per cent. now taken here, which is a troublesome thing to levy, you would please to take an establishment of 12 pence per £100 on Musdo. sugar and 2*s.* per hundred on white sugar, I think it would be £20,000 more yearly. This is to show that your care and bounty is not ill employed in sending over arms and ammunition in so plentiful a manner, as also the sending that noble commander Sir John Harman, who did such good service in these parts.

A great part of the Sugar Plantations begin to want wood to boil off their crops, so that we must of necessity make use of Newcastle or Welch coals, which if they come unto us at too dear a rate, we cannot afford to buy them, and so we shall make sugar in far less quantity than formerly. It is humbly desired that the duties which are levied at home upon coals may be remitted for all such as are taken aboard the ships bound for Barbados; and that the Custom of goods hither from England be taken off: those of New England have had that favour long, and we think we have as much reason to enjoy that privilege as they. Besides, as we are Englishmen, if we were in England, though we were drones and did nothing for the good of a nation, yet we should pay no customs for the stuff which cloths are made of, and yet being here and continually employed like the industrious bee, bringing continually honey to the hive, yet our cloths must still cost us dearer.

We are often alarmed with rumours of invasions intended against us. If your Majesty would permit we might have a free trade with Scotland, we should from thence be quickly recruited with lusty and able men, which would be a great strengthening to the place, and be better to us than soldiers, being the one are workers and help to maintain themselves when out of martial employ, but the others are lazy all the year round and must rely for maintenance

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on the sweat of other men's labours, which will at the long run gnaw the people to the bone. Besides in 4 or 5 years after their being here this place will so abound that it will be most convenient for the supernumeraries to fix on some other island near, which might in few years become fruitful and beneficial as this, provided the first Adventurers both in purse and person may have encouragement for the first seven years, the want of which and the settling present taxes before the land be possessed or in the least settled spoileth all laudable designs. Did we not lose 1,500 able men upon this score at Sta. Lucia about 4 years past, who, if they had been encouraged, might by this time have been in a good forwardness to have brought it to so good perfection as to have been esteemed a second Barbados? If any such islands should for the future be planted by your subjects, it might seem not amiss if your Majesty should retain on each 2,000 or 3,000 acres, which may be handed by delinquents, such as for crimes, under murder, the Law condemns to death, may be reprieved and sent over as your Majesty's servants for some years, and then to be free; which, after a settlement, will not only bring a good revenue to your Majesty, but also may be a means of making such poor people become good Commonwealth's men, as I have seen the experience of it here by some.

This place makes store of good cotton yearly; if it could be brought to pass that people could get it spun very small, as in the East Indies, we might introduce the making of calicoes as well as they do. From my observation of the work of Spanish women and girls in Biscay, I would infer that the next Governor should be instructed to cause people to set their children to work, the boys to pick and the girls to spin, for in great quantities they lie idle and do not learn to get a penny, and that for their better encouragement the Governor should settle some expedient to have what they shall so spin taken off their hands in a price according as it shall be well done.

It is not to be doubted but that the spices of the East India would grow here, if we had them to plant. I have heard how a certain public-spirited Commander of a ship did undertake that design, but death prevented him. 'Tis pity but it should be set on foot again, but there is small hopes unless your Majesty be pleased to countenance the thing.

This noble island wants a money trade, for here all things are bought and sold in the way of truck or permutation to the much damage of the inhabitants. The Kings of Spain and Portugal have not any island inhabited but hath a money trade. I can see no way to keep our monies in the country but by having coin of a lesser valuation than that in England: seven half-crowns in England should be coined into eight half-crowns or 20 shillings to go current for so much here, by which will be £18,000 gotten to your Majesty upon £100,000 so coined, and the island, as I can make it out by reason of the advantage of the exchange from this place to England, will not be a looser by it in the least.

The 4½ per cent. is very pernicious to be levied here and I do not know anything that makes the people sad more than that. 'Tis scarcely to be believed the vexation it gives both to sea and land men. The people had much rather your Majesty would impose at home an additional custom of 12*d*. per cent. on Muscovado sugar and 2*s*. or 2*s*. 6*d*. per cent. on white sugar.

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Here hath been a clamorous pretence of a long time concerning 10,000 acres of land, which in the infancy of this island's settlement the Lord of Carlisle did allot unto certain merchants of London, covenanting that they shall have a Governor of their own and should be free from the other ordinary duties, which others paid, being a certain rate for each servant, and some other privileges; in lieu whereof the merchants were to pay him five *p. c.* of the net produce, but because in those times at every year's end the land produced nothing clear of charges, but did still bring the undertakers more in debt, as all new settlements will, the Lord of Carlisle was weary of that delay and brake his compact, took away their privilege of having a Governor of their own, and ranged them into an equality with the rest of the Island, making them pay all taxes and duties as they did, and so they have continued ever since; yet the late Francis Lord Willoughby had a pretence upon the inhabitants of these 10,000 acres and began to put people in trouble, contrary to equity, reason or conscience, and to the extreme regret of the whole island, for the most part of this pretended 10,000 acres is now possessed by those who have paid the full value for what they bought, besides there was no failing on any side but my Lord of Carlisle's, and they which planted there did all along bear the burden of the day as much as the rest of the island. Lord Wm. Willoughby made some inspection into this, but finding it not to be feasible waived it, only declaring his willingness to have taken £2,000 and confirm their lands unto them, which they will not hearken unto in the least, nothing doubting but that your Majesty will condemn the pretention and manumise this spot, making it equal in freedom with the rest, which act will be exceeding grateful, the Governors, who should be watchful for the good of the country, not putting a helping hand unto it, but rather using their endeavours to get out all they can *per fas aut nefas*.

This country swarms with lawyers, the people are much given to law, to their great impoverishment and the others' enriching, who suck out much of the fat and marrow of the country and all to little purpose; they are for the most part but dablers in the law and very ignorant. It might be of great ease to the country if your Majesty would give the Governor order and power to find out some expedient for lessening law suits; one might be the authorising the choosing of three men yearly in every parish, who, or any two of them, might have power to hear all small differences of 1,000 lbs. of sugar or under, and that no lawyer do plead on either side, they for the most part darkening rather than clearing the truth; the judges' sentence not to be appealed from, and this to be without any charge to the parties.

This island contains completely 100,000 acres of land, which if equally laid out would make 24 parishes, and, paying but 6*d.* per acre to the ministers, would be for each minister £100 per annum, which with a house and some glebe land and other perquisites for marriages etc. might make a contentive livelihood; now we have but 11 or 13 parishes, and they are so great, though the ministers' means hardly so much as I have exposed that some people in most of the parishes come 4 or 5 miles to church, and this great distance is the cause that many people scarce come to the church four times

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in the year, and people become very untoward and ill-behaved and much uncivilised. Indeed the next generation do run the hazard of turning heathen. If we had 24 parishes and in every one a godly Minister, who should also undertake to teach school, it would be an addition to his means and the children would have education. If things run much longer in the course it now goeth, there will soon be apparent a greater number of fanaticks, nonconformists, etc. than a loyal and truly religious interest, and therefore it is much to be desired that your Majesty would order some good form to be put unto this thing, and that your Governors from time to time do make it a part of their business, for this place is a receptacle of all opinions; the chief Church is mostly Presbyterian; the Independents have their conventicles; the Quakers are erecting a house for their ceremonies; the Jews have their sinagogs; others are mere Athiests, and never come to Church or any other meetings, and the most part of those may well and rightly be concluded to be fanaticks; truly all joined together are far more numerous than those that are not; and what is as bad as all the rest, places of trust, both military and civil, are put into such men's hands. The increase of an orthodox ministry here is the best remedy.

I believe that the Assembly in their address unto your Majesty have desired to have a Governor that is a Proprietor and hath his chief interest here, thinking that then he will attend the good of the country more cordially and solicitously. The motion might do best so for the Island's good, and not be at all the worse for your Majesty's interest, but then it should not be as I have been told they would have it, viz. to have one every year and to reduce the whole island in the mode of a Corporation, to have liberty to choose them yearly themselves as New England doth, and that they shall bear their own charges and have nothing of allowance towards it. To have a Governor for one year only is to have him commit some errors in his first year and not give him time to rectify them; and to make a kind of a Corporation of the whole island, there would be but two Burgesses in the Assembly. If we should have liberty to choose our own Governors without having first your Majesty's approbation, it would derogate too much from your authority. If they should always bear their own charges, then none but rich men must be elected. But if your Majesty would establish a Governor every three years, which is the manner the King of Spain useth for his Government; and order that the names of three or four persons freeholders be every three years returned to your Majesty, one of which to be chosen by you, and also that the Governor during his time may have 300,000lbs. of sugar allowed him yearly out of the excise here levied upon wines and other liquors, with other incident perquisites, this, with the help of his own plantation, will maintain the incident charges of the place, and enable him in all points to do justice to your people. Our late Governor, the Lord Wm. Willoughby, went from this place some months since for England, taking the Leeward Islands in his way: he is a gentleman of excellent endowments, and doubtless for his abilities is fit for higher matters than these parts can afford and which also may be more suitable with his genius, for indeed the Island have esteemed themselves more unfortunate the Lord Francis' Government and his

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than in many years before, and they undertake to enumerate the number of misfortunes, which have attended all their actings. Much talk there is of extreme covetousness and ill management of affairs at St. Xopher's, Mevis, etc., but I think a great deal is rumour which increaseth in the telling. Peradventure things did not succeed so well because, the Government being dispierced, things could not be so well ordered as if the Governors of the other Islands had had their commissions immediately from your Majesty, being that this Island alone will employ the full endeavors for one man to govern well; those who, from other Islands, are to give an accompt to your Majesty only and not to any superior here, will doubtless endeavour to act more prudently and vigorously. If St. Xopher's had not a weak Governor, though other ways proud enough, that Island would have been still in the English hands, which being so foolishly lost and afterwards as poorly attempted by us, was the ground of our vexations, troubles and losses in these parts; and this is the fruit of putting men in such important places through favour, or some by respect, that have not a capacity to manage them. My Lord Willoughby hath left for his Deputy Governor here Col. Xopher Codrington, a stout and well resolved gentleman. I can think of very few in the Island that may be fitter for the place.

We have still continual rumours concerning some invasion from the French. They have lately arrived at Martinico, about 6 men of war, the most part of good force; one frigott was sent up hither lately with a frivolous errand, to prefer the restoring of St. Xopher's but it may be to spy what strength we are of. As for their compliment of restoring the English Plantations so ruined and destroyed, and without stock either of negroes or cattle, but the bare lands, they had as good have offered nothing, for a new settlement may be made upon any other uninhabited island as easily as there. Less of St. Xopher's Island than the whole cannot make amends unto your Majesty. If peace be not made at home, but the French King will molest your subjects here, there is no course to be taken but one, to send 10 or 12 stout men of war under such a resolute gentleman as Sir Jno. Harman, with a full regiment of soldiers.

I wish that the next Governor made have order to cause the oath of Allegiance and Supremacy to be administered over the whole Island, that it may be known who may be confided in at a time of need, for here are many persons in place of trust that at times will talk at an odd rate. *Moralises at length. Signed,* Nicholas Blake. *Brief abstract on back.* 15 *closely written pp.* [*Colonial Papers, LXV., No.* 95.]

1674.
[Sept. ?] **1,114.** Petition of Thomas Delavall, merchant, late of New York, to the King. My estate was confiscated and myself made prisoner when New York was captured by the Dutch, and a large quantity of valuable goods seized from my warehouse and shipped to Holland. On her way thither the vessel was driven by stress of weather into the port of Plymouth in New England, where she was claimed by my son-in-law. The matter came before the Courts, which ordered the ship to sail for England to be tried in the Admiralty Courts there; but I since hear that most of the goods

have been disposed of. I beg your order to the inhabitants of Boston that this my property may be restored to me. 1 *p.* [*Colonial Papers, Vol. LXV., No.* 11.]

Nov. 3. Barbados. **1,115.** Governor Jonathan Atkins to Sir Joseph Williamson. I arrived here on the 1st inst., and find letters which inform me of your established condition of Secretary. Give me leave to congratulate you. I hope you will esteem me worthy of your friendship, and I shall make it my endeavour to deserve it. At present I can give only a short account of the King's affairs here. The late attempt of the Dutch upon the French Islands became fruitless by the hurricane that surprised them. Could they have stayed twenty-four hours upon the place they had carried it and all the rest of them. They left eight hundred men ashore, who were all killed or taken. The storm has done inexpressible damage in the Leeward Islands upon ships, houses, mills and all their fruits. Considerable ships were wrecked in this harbour. But, not to leave you in a storm, once more all happiness to you. Present my humble duty to the King and let him know of my safe arrival. *Signed*, J. Atkins. *Holograph.* 1 *p.* *On the back*, Address of the letter to Sir Joseph Williamson. [*Colonial Papers, Vol. LXV., No.* 12.]

Dec. 30. Boston in New England. **1,116.** Governor Leverett to Sir Joseph Williamson. The King's letter of 29 September last has been delivered to us, in which in compassion for his suffering subjects he gives an order respecting the ship *Expectation*, lately captured by the Dutch and recaptured by the English, to which, with her lading, several persons laid claim. In reply we would say that the ship *Expectation* was driven not into Plymouth but Nantucket Isle, a port under the government of New York, and was thence brought into Plymouth. There the Governor and Council thought it right to take £1,000 bond of the persons, who had possessed themselves of her by reprisal, to carry the ship and cargo to some of the King's Courts of Justice, and to take with them the claimants or their agents. She was then brought to Boston to be refitted (being disabled), and we finally let her go without altering the conditions of the bond. She actually sailed from hence for Jamaica, according to the story of those concerned in her. *Signed*, John Leverett, Govr., with the concurrence of the Council. *Postscript.*—We have now certain intelligence of the ship's arrival at Jamaica, where she is on trial. 1 *p.* *Much damaged.* [*Colonial Papers, Vol. LXV., No.* 13.]

1674. [?] **1,117.** Petition of the Bermuda Company to the King. King James I, by his letters patent granted the Bermudas to us, whereupon the islands were planted and made defensible at great expense, and we are still at great charge for their preservation which we can only defray by a duty of one penny *per lb.* on all tobacco grown in the Colony. This has been imposed and from time to time paid; and it is also laid down in our laws that no member of the Company ought to send goods to the Colony or receive them from it except in our yearly magazine-ships. Yet one Perient Trott, for his own gain and to evade our laws and the payment of duties, has sent

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several ships there on his own account, obtaining (by some misinformation) permission from you to do so, so long as he remains a member of the Company. We beg that his licence may be recalled and that he may be again subjected to the laws of the Company. 1 *p.* See previous volume of this Calendar, 1675-1676. No. 444. [*Colonial Papers, Vol. LXV., No.* 14.]

1675.
Feb. 12.
Whitehall.

1,118. Order of the King in Council. Referring the petition of William Hinton, setting forth that in 1670 the merchants of various West Country ports prayed for Newfoundland to be taken under the King's government, to Lords of Trade and Plantations for report, and ordering them to examine all petitions upon the subject. *Copy.* 1 *p.* [*Colonial Papers, Vol. LXV., No.* 15.]

[Feb. 12.]

1,119. Petition of William Hinton to the King. Praying for the King's consideration of petitions presented since 1670, for the settling of a government in Newfoundland. 1 *p.* *Inscribed,* Read in Council 12 Feb., 1675. *Annexed,*

1,119. I. Reasons for the settlement of Newfoundland under Government. It is the King's undoubted property. It is the next part of the West Indies adjacent to the King's Territories. It is the greatest, if not the only, nursery for seamen. When it had a government it produced £50,000 for Customs annually. The French have encroached, from want of a government there, and, as there was no English Governor there, have possessed and fortified the best harbours, keeping great garrisons to debauch English subjects to live under their protection. When there was a government foreigners were excluded.

Next, as to trade. When the country was fortified the trades flourished. The fishermen are now open to attack by pirates and all other enemies. There being no Governor, all stages, boats, etc., are destroyed either by the planters or the fishermen that come first every season, causing great delay, expense and waste. All the woods near the sea are now cut down and fired. The planters keep tippling houses and debauch the fishermen, being under no control. They seize the best drying places for houses. The best harbours are almost destroyed by casting of ballast into them. Great abuses are committed by fishing out of season, for want of a Governor and regulations. For want of government the West Country Adventurers send their men to New England to save their return voyage, and thus many good seamen are lost. Owing to a late Act the planters have been driven inland, and are seeking the protection of the French.

Lastly, as to the inhabitants. A Government could put an end to the abuses which they suffer from the rudeness of ungoverned seamen, against whom there is no redress. A settled Government would give them fortifications, and protection against such attacks as

De Ruyter's. They will have Ministers of the Gospel among them, and they will receive equal justice. 2¼ *pp.* [*Colonial Papers, Vol. LXV., Nos.* 16, 16 I.]

[Feb. 23.] **1,120.** Statement of the reasons why the West Country fishermen are against the taking of Newfoundland under the King's Government. (1) Many men in those parts subsist by letting out money at bottomry at 25 or 30 *per cent.* for the voyage, and, if the fishing were secure, money could be raised in other ways; (2) When the Western fishermen come to Newfoundland they pretend to privileges, and will not allow those who favour the King's Government to fish in quiet among them. (3) When Government is established they can no longer domineer over the poor inhabitants as they now do, but must leave the island to foreigners or put themselves under the protection of the French. (4) They will be hindered from sending their men to New England at the latter end of the year to save the charge of their passage home, by which custom fishermen are made scarce and the King is deprived of good seamen. (5) They fear that something will be required of the trade for the making and maintenance of forts and soldiers. They are like the cat that would fain have fish but will not wet her feet; and would rather that the country and trade were lost than that they should be under any rule but their own. In the late usurpation Dartmouth and the other places thought differently and petitioned Cromwell to set up a Government there. 1½ *pp.* [*Colonial Papers, Vol. LXV., No.* 17.]

[Feb. 23.] **1,121.** Pretended reasons against erecting the King's Government in Newfoundland, with the answers thereto. 1. Government will be of no use, but a great charge and burden. 2. It will be a hindrance to the education of seamen. 3. It will be a prejudice to trade from the numbers of people that will flock thither after the Parliament is established. 4. No fortifications can be any security owing to the distance of the harbours.

Answers: 1. The Government is necessary to prevent the disorders and miscarriages which now beset the trade. It will be no burden, but the fishermen on the contrary will gain twenty for one. 2. It will greatly improve the education of seamen, for when the trade is regularly settled many more merchants will employ their stocks thither. 3. Nor will any multitude of people that flock thither prejudice the trade, for they themselves own that the country is too cold and barren to be lived in. Mr. John Gold answered this before the King and Council, saying that the public good must be preferred to the private. If the land be kept by the English under English Government, if the fish be caught, made, sold and navigated by the English to the improvement of the King's revenue, then the objections of anyone who loves his country are silenced. But let the land be never so well peopled, yet those that send out ships to fish are not barred of employment, though their employment may differ, and that for the better. For if the planters take the major part of the fish then the shipping will go for salt, to sell to the planters, which will bring them in as much as the fishing. If the French could be outwitted, we could gain the market of Spain, Portugal and Italy for sending of fish. At one time two hundred odd ships were in the

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fishing trade, but now not more than a third of that number; yet the planters were more numerous when the number of ships was highest. No one can desire to see the Newfoundland trade carried on as at present, for it is passing into our enemies' hands. But private should give way to public interest, and then Newfoundland could be secured. But if the number of planters be found hereafter prejudicial to trade they may be limited both as to number and trade. 4. The objection to fortifications is weak, for the French have them and have improved their trade by security. Our own misfortunes instruct us, for had St. John's and the Bay of Bulls been fortified, De Ruyter would not have ruined the planters when he came from Guinea. As soon as fishermen arrive, they lay up their ships till fishing is over. Under the King's Government they could do so within the harbour, fortified and secure, whereas now they are open to all the enemy's pirates and searovers. 2 *pp.* [*Colonial Papers, Vol. LXV., No.* 18.]

Feb. 25. **1,122.** Order of Lords of Trade and Plantations. That the Mayors of the West Country ports (*enumerated*) be apprised of the King's order for enquiry into the affairs of Newfoundland, and be directed to send full particulars and information respecting it, as well as a correspondent to attend the Board. *Copy.* 1 *p.* [*Colonial Papers, Vol. LXV., No.* 19.]

Feb. 25. **1,123.** Draft letter to the Mayors of the various West Country ports for the carrying of the foregoing order into effect. 1 *p.* [*Colonial Papers, Vol. LXV., No.* 20.]

March 1. **1,124.** Sir Robert Southwell to the Vice-Chamberlain. Desiring him to obtain, if possible, information from St. Malo as to the French trade at Newfoundland, the number and tonnage of ships engaged in it, the rules by which the fishery is governed, the profits of the trade, the number of the inhabitants, the effect of fortifications in securing them against the Indians, and as to whether the planters do not interfere with the fishing, but leave it to be wholly managed by the shipping. *Draft.* 2 *pp.* *Endorsed* with the date. [*Colonial Papers, Vol. LXV., No.* 21.]

March 18. Spitle Court. **1,125.** John Gould to Sir Robert Southwell. The experience of many years shows that the right way of managing the Newfoundland trade has not yet been adopted. It is that of managing the fishery by the inhabitants and not sending ships, as the trade cannot bear the expense of their rigging, and riding in harbour all the fishing time. The French, who have two-thirds of the trade now, will soon engross it all, if other measures are not taken, which will not be while those are consulted who make their profit in letting out ships and in sales of the fish so caught. If the fishery were well governed, the fish might be sold at from sixteen to twenty rials a quintal. *Signed,* John Gould. 1 *p.* [*Colonial Papers, Vol. LXV., No.* 22.]

March 20. **1,126.** James Houblon to Sir Robert Southwell. Respecting the Newfoundland Trade. *Already abstracted under date in a previous volume of this Calendar, No.* 475. 4 *pp.* [*Colonial Papers, Vol. LXV., No.* 23.]

1675.
March 25. **1,127.** John Gould to Sir Robert Southwell. I cannot possibly move from home being engaged in most needful business. Without all doubt the Newfoundland fishery can only be managed by people in the country; and those who oppose it do so from their private interest. *Signed*, John Gould. 1 *p.* [*Colonial Papers, Vol. LXV., No.* 24.]

March 25. **1,128.** Petition of the gentry, owners of ships and merchants in Exeter and other West Country Ports to the King. The settling of a Governor and inhabitants in Newfoundland will be destructive to trade, to the increase of seamen and to the King's revenue. (1) The planters will at once take up all the choicest places on the shore, and yet the land is too cold and barren to support them. (2) They will destroy the stages and embezzle the iron-work of ships left behind. (3) They will destroy the trees and timber. (4) The inhabitants being debauched by poverty will debauch the seamen, more particularly (5) since they will be able to sell them spirits and tobacco. (6) The planters have a practice of engrossing all salt and provisions, to the prejudice of the fishermen. (7) They breed no mariners, but rather entice seamen to join them, whereby the wives and children of the mariners who stay with them become a burden to their parishes. (8) The trade hitherto has always been encouraged; if now burdened with impositions it might utterly sink, whereas (9) if it were made free to the Adventurers as formerly, many more ships would be employed and many more seamen trained. (10) The specious reasons and pretences of those who call themselves the West Merchants (whom we disown) should not be listened to. *Large sheet. Endorsed*, Read at the Committee, 25 March, 1675. [*Colonial Papers, Vol. LXV., No.* 25.]

March 25. **1,129.** The Humble Remonstrance of the Merchants of the Western Ports to the King. The Newfoundland fishery for eighty years past has employed two hundred and seventy ships, with great public advantages to the dealers in victuals, to the King's revenue and to the country at large. The fishermen go out in April and return about Michaelmas, leaving their remnants of salt and provisions in boats, hauled up and covered with rends against the next spring. But meanwhile some of the looser and ill-governed sort of people have stayed behind in the island, who have created past disorders, breeding no seamen, enticing real seamen to join them and ruining the trade. The shipping from England diminishes, because the inhabitants draw the best fishermen to them and destroy or embezzle the ships and stores left behind from the winter, take the best fishing places and debauch our men. *A very lengthy document. One large closely written page. Endorsed*, Read at the Committee, 25 March, 1675. [*Colonial Papers, Vol. LXV., No.* 26.]

March 25. **1,130.** The advantages of carrying on the fishery of Newfoundland by fishing-ships. 1. The increase of seamen. Twenty-five years ago the West Country abounded in seamen and over two hundred ships went to the fishery. 2. The trade was worth £300,000 a year to the nation. 3. The ships employed over 2,000 men, of which one quarter every year were green men. 4. The ships returned at Michaelmas, when, until Candlemas, these men could

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follow other callings and yet were fit to serve the King in time of war. 5. About one hundred more ships were employed in fetching salt and other matters belonging to the trade. 6. When the trade was thus managed fish were one fourth cheaper, and buyers were sure to have their fish delivered according to their contracts. 7. Thousands of handicraftsmen were employed in making provisions for the fishery. 8. This employment formerly bred more seamen than all England, except London.

Disadvantages to England of Inhabitants and Boat-keepers in Newfoundland. 1. It lessens the number of shipping. 2. It destroys the increase of seamen. 3. Inhabitants do not use English provisions and manufactures, which will deprive thousands of employment. 4. They get what they want from France, Ireland and New England to the prejudice of British trade. 5. Inhabitants and boats which carry off our choice men prevents us from employing more than a third of the ships that we used. 6. Fishing by inhabitants makes fish dear, and loses trade to this nation, for they supply foreign markets. 7. Inhabitants and boats occupy all the choice places in the harbours and drive the shipping away. 8. If liberty be given for inhabitants to be increased and harbours to be fortified, the Adventurers will be ruined. 9. The inhabitants destroy our stages and debauch our men. 10. The country cannot subsist inhabitants, being nothing but bogs, woods and rocks. *The whole, 2 pp. Endorsed,* Presented by Mr. Parrett and read at the Committee the 25 of March, 1675. [*Colonial Papers, Vol. LXV., No.* 27.]

March 25. **1,131.** The French manner of carrying on the Newfoundland trade. 1. They use ships, not inhabitants or boats. 2. They have a ship of war to accompany them, so that they are not protected by fortification. 3. They fish at too great a distance to disturb us. 4. Fortifying particular places is no protection, the fishery is two hundred miles long. He that is master of the sea is master of all that coast. 5. Planters ought not to settle within six miles of the coast. 6. Government is destructive to the trade by granting licenses for the sale of liquor, which debauches the seamen. 7. Governors have monopolised the trade. Witness, Sir David Kirke. 1 *p. Endorsed,* Presented by Mr. Parrett and read at the Committee, the 25 of March, 1675. [*Colonial Papers, Vol. LXV., No.* 28.]

March 30. **1,132.** A paper handed in by Mr. Parrett respecting Newfoundland. 1. It has been largely demonstrated that the Newfoundland trade managed by fishing ships has been most advantageous to the country. 2. Planters and boatkeepers are the cause for the decrease of the trade. 3. If Newfoundland be settled, most of the fish will be brought by New England and Ireland and transferred to foreign markets. 4. Thus our navigation and seamen will be decreased, and many thousand families dependent on the trade will be ruined. 5. Fishing by planters makes fish dear. 6. If Newfoundland be settled the trade will be ruined, yet the inhabitants could not sell fish as cheap as the Adventurers with fishing ships. 7. The Adventurers can sell fish as cheap as the French by contract, and consequently can afford it as cheap in the market. 8. No others can afford it equally cheap. 9. Merchants cannot obtain fish at a certain rate from the planters as they can from the fishing ships. 10. If the present few planters be so prejudicial to the trade, the increase of these will destroy it. 1 *p.* *Endorsed,* Presented by Mr. Parrett and read at the Committee, 30 March, 1675. [*Colonial Papers, Vol. LXV., No.* 29.]

May 5.
Whitehall.
1,133. Order of the King in Council. Upon the report of the Lords of Trade and Plantations respecting Newfoundland. ½ *p.* *Enclosed,*

1,133. I. The Report of the Lords of Trade and Plantations aforesaid. *Both documents are abstracted in a previous volume of this Calendar,* 1675-1676. *No.* 549. [*Colonial Papers, Vol. LXV., Nos.* 30, 30 I.]

May 5.
Whitehall.
1,134. Order of the King in Council. That the Attorney-General with the assistance of the King's Council enquire into the powers given by the Royal Charter of Confirmation of 26 January, 1661, for regulating the fishery of Newfoundland, consider whether the powers relating to the punishment of crimes be defective, and report as to the sort of judicature most fit and proper to be erected for determination of such offences. *Signed,* Edw. Walker. 1 *p.* [*Colonial Papers, Vol. LXV., No.* 31.]

May 5.
1,135. Order of the King in Council. That a copy of the Report of the Lords of Trade and Plantations upon Newfoundland be sent to the Admiralty, in order that the execution of such points as are extended to the commander of the convoy may be executed by Sir John Berry or such other officer as the King may appoint. Orders are to be sent to the Governors of Foreign Plantations to receive kindly any inhabitants who may come to them from Newfoundland. *Draft.* 1 *p.* *Enclosed,*

1,135. I. Copy of the Report of the Lords of Trade and Plantations, *abstracted in a previous volume of this Calendar,* 1675-1676. *No.* 550. [*Colonial Papers, Vol. LXV., Nos.* 32, 32 I.]

May 17.
1,136. Copies of two commissions given by Captain Jurian Aronson to Peter Rodrigo and Cornelius Andreson, dated 31 October, 1674, under which they took ships and goods from the English. Certified at Boston, 17 May, 1675. *See previous volume of this Calendar,* 1675-1676. *No.* 1071. *The whole,* 2 *pp.* [*Colonial Papers, Vol. LXV., No.* 33.]

May 31.
Whitehall.
1,137. The King to Sir John Berry of H.M.S. *Bristol* and Captain Carter of H.M.S. *Swan.* You are to convoy the fishing fleet to Newfoundland, and return with them at the close of the season, proceeding with such as are bound to the Straits and as high as Livorne, from whence any ships homeward bound are to be convoyed to Alicante, and so home. You are to aid the various commanders in the Newfoundland ports to preserve order; you are to take no seamen with your ships but such as really belong to them

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you are to take an account of the several ports of Newfoundland between Cape Race and Bonavista, giving full accounts of the ships, men, boats, etc. employed there, and of the number of houses, inhabitants and boats. You shall take no fish on board as freight or merchandise, nor any except for your own use and spending. *Draft.* 2½ *pp.* *Endorsed,* Read, 8 April, 1675. [*Colonial Papers, Vol. LXV., No.* 34.]

May.

1,138. William Harris to Sir Joseph Williamson. The crowd of your "incomberances" is such as makes much blushing in me, and I cannot but see and be ashamed at my own boldness when I mention my past and long oppressions, and how I hope and beg for relief and speedy ease of my grief and pain, with earnest and ardent prayers to God and humble request for your Honour's kind aid to the King for his favour, etc., that by the next ship I may return home again to my girl and weak family, from whom I parted (I think) with as great grief as Jacob from Joseph; but, however, waiting God's leisure, for whose pleasure we were created. ½ *p.* *Endorsed,* May, 1675. [*Colonial Papers, Vol. LXV., No.* 35.]

1676.
Jan. 27.
Westminster.

1,139. Copy of a Charter to the West Country Adventurers for the fishery of Newfoundland. Confirming the previous charters of 10 Feb., 1634 and 26 June, 1661, under certain restrictions of non-residence, and adding other laws for its better government, viz.: That no planter be permitted to build or to cut down wood within six miles of the shore, nor take up the stages and places of the fishermen. No more seamen are to be taken out than required, and every fifth man is not to be a seaman. No vessels are to leave England before March. The Mayors of the Western Ports are to take bond of the ships' masters for fulfilment of these conditions; and, as there is now no Court Martial in England, offenders in Newfoundland are to be reported to one of the Secretaries of State. 16 *pp.* *Endorsed,* Recd. 7 Dec., 1676. [*Colonial Papers, Vol. LXV., No.* 36.]

1677.
[Feb. 16.]

1,140. Petition of the Newfoundland fishing traders to the King. Proposing that, though copies of the patent regulations have been carefully distributed, yet as some ports are without the jurisdiction of their corporation, others have no magistrates, and others are governed by magistrates concerned in the trade, the Custom House officers may also be charged to see the patent observed. 1 *p.* *Inscribed,* Recd. 16 Feb., 1676-77. Read 21 Sept., 1677. Read at the Committee, 13 December. *Also inscribed,* Order in Council of 21 February, 1676-77. Referring the petition to Lords of Trade and Plantations for examination and report. *Signed,* Robert Southwell. [*Colonial Papers, Vol. LXV., No.* 36A.]

1676.
Feb. 27.
Whitehall.

1,141. William Blathwayt to Mr. Rider. It will be necessary for you or such others as are concerned to attend the meeting of the Lords of Trade to-morrow at four o'clock, to give them information as to the Newfoundland fishery. *Draft with correction.* ¾ *p.* [*Colonial Papers, Vol. LXV., No.* 36B.]

1677.
March $\frac{6}{16}$.
City of
Orange, River
Wiapoco.

1,142. Johan Pompelfort to the College of the Admiralty at Amsterdam. An account of a voyage to the river of Wiapoco and of the prosperous state of the settlement in Dutch Guiana. *Translation.* 4¼ *pp.* [*Colonial Papers, Vol. LXV., No.* 36c.]

1677.
March 24.
Whitehall.

1,143. William Blathwayt to Mr. Rider. Giving him and others concerned notice to attend the Lords of Trade on Monday next at 3 o'clock on the business of Newfoundland. *Copy.* 1 *p.* [*Colonial Papers, Vol. LXV., No.* 36D.]

1,144. Account of the Colony and Fishery of Newfoundland, and of the present state thereof. *Already abstracted in a previous volume of this Calendar,* 1677-1680. *No.* 406. 45 *pp.* [*Colonial Papers, Vol. LXV., No.* 37.]

1684.
Aug. 2.

1,145. Abstract of the proposals of the Onandagas and Cayouges Sachems at New York. *Abstracted in a previous volume of this Calendar,* 1681-1685. *No.* 1824. *Draft in John Povey's handwriting.* 2 *pp.* [*Colonial Papers, Vol. LXV., No.* 38.]

Nov. 25.

1,146. A collection of papers relating to the plunder of the sloop *James* by the pirate Yankey.

1,146. I. Depositions of John Thorp and several others. *Abstracted in a previous volume of this Calendar,* 1681-1685. *No.* 1962. 3½ *pp. Endorsed,* Recd. 31 March, '85. Read 4 April, 1686.

1,146. II, III. Statement of the case of James Wale or Wall, owner of the sloop *James. Two copies.* 1 *p.*; *and* 4 *pp.*

1,146. IV. Deposition of John Smith, late pilot of Yankey's ship, as to the capture of the sloop; sworn at Jamaica, 27 January, 1685. 1 *p.*

1,146. V. Deposition of Captain Henry Boteler, concerning the sloop *James.* 1 *p.*

1,146. VI. List of goods detained by the French from the sloop *James.*

1,146. VII. Petition of James Wale to the King, begging him to obtain for him satisfaction for the loss of his sloop. 1 *p.* [*Colonial Papers, Vol. LXV., Nos.* 39 I.-VII.]

Nov. 26.

1,147. Colonel Hender Molesworth to the Governor of Petit Guavos. *Abstracted in a previous volume of this Calendar,* 1681-1684. *No.* 1964. *Holograph.* 3¼ *pp. Annexed,*

1,147. I. Pass issued by Colonel Molesworth to John Thorp of the sloop *James.* 4 Sept., 1684. *Copy.* 1 *p.* [*Colonial Papers, Vol. LXV., Nos.* 40, 40 I.]

[1684.]

1,148. Abstract of several complaints against the Governor of St. Thomas. *See previous volume of this Calendar,* 1681-1684. *Preface, p.* xlii. *and index sub. voc. Esmit.* [*Colonial Papers, Vol. LXV., No.* 41.]

1685.

1,149. Petition of James Wall and others to the King. Praying him to procure satisfaction for him for the seizure of his sloop. *See previous volume of this Calendar,* 1685-1688. *No.* 348. [*Colonial Papers, Vol. LXV., No.* 42.]

1686.

1,150. Drawing of the reverse of the seal of Bermuda. *About 2 inches in diameter.* [*Colonial Papers, Vol. LXV., No.* 43.]

1687.

May 19. **1,151.** Deposition of Captain David Mitchell, R.N. As to his having been sent to demand satisfaction for the seizure of the sloop *James* at Petit Guavos. 1 *p.* [*Colonial Papers, Vol. LXV., No.* 44.]

May 20. **1,152.** Sworn statement of James Wale or Wall respecting the seizure of his sloop, the *James.* 3 *pp.* [*Colonial Papers, Vol. LXV., No.* 45.]

May 20. **1,153.** Extract of a letter from Governor Thomas Dongan from New York, of 20 May, 1687. Not a farthing of the debts which Mr. Santen said to be outstanding is to be had. Mr. Graham and Mr. Van Cortlandt do miracles. I am a bold man and have many irons in my fire, building chimneys from the ground, sodding the fort, mounting all the guns, and paving the batteries with freestone from Newark, which, though expensive, will be made up by its lasting maybe for ever. I have sent my Lord Sunderland propositions of the Maquas, informing how industrious the French Jesuit is to draw our Indians over to Canada. The people of Canada are out of their wits for our hunters going to the Ottawas. I hope they will not disturb them in their passage. The last account of them was that they were all well, and had carried some of the prisoners along with them. It will be great ruin to the French if the Ottawas will come to trade with us. The French ought to have the north and east of the Great Lakes, but I hope they will leave us the south and west. If any proposition be made, let not the King be surprised for want of information. Shew him upon the map how the land lies. *In John Povey's handwriting.* 2 *pp.* [*Colonial Papers, Vol. LXV., No.* 46.]

Aug. 16. New York. **1,154.** Copy of a letter from Thomas Hawarden at New York. Your friend, Major Patrick Macgregory, was sent in April with a party of sixty Dutch and English, with Indians for their guides, to explore the north and west. They left Albany well-fitted, and after proceeding for a considerable way were met by three hundred French and a number of Indians, who asked on what pretence they had advanced so far in the King of France's dominions, and forced them to return to give an account to the Governor of Canada. The Indians, more alarmed than they need have been, escaped, and meeting some French beaver-hunting tried to take them to Albany, but, being opposed, killed three hundred of them with a loss of only seventy to themselves. The Governor on this news went to Albany and called the inhabitants to arms, but the Dutch refused to come out. 1¼ *pp.* [*Colonial Papers, Vol. LXV., No.* 47.]

Aug. 22. **1,155.** Extract of a letter from Governor Dongan at New York. Mr. Graham and Mr. Van Cortlandt will give you an account of the revenue, and how it has been diminished by the French hindering our Indians from hunting. ¼ *p.* *In John Povey's hand.* [*Colonial Papers, Vol. LXV., No.* 48.]

$\frac{\text{Oct. 28.}}{\text{Nov. 7.}}$ **1,156.** The French Ambassador to the King. Complaining of the encroachments of Governor Dongan upon French territory, and asking that orders may be sent both to New York and to Boston

1687.

forbidding such encroachment. The King of France is prepared to agree to a delimitation of boundaries to prevent the recurrence of such incidents. *Signed*, Barrillon. *French.* 2¼ *pp. Endorsed*, Recd. 30 Oct., 1687. [*Colonial Papers, Vol. LXV., No.* 49.]

Nov. 10. **1,157.** The King to Governor Dongan. As to the troubles with the French in Canada. *Already abstracted in a previous volume of this Calendar*, 1685-1688. *No.* 1505. *Draft, in John Povey's hand.* 6½ *pp.* [*Colonial Papers, Vol. LXV., No.* 50.]

Dec. 2. **1,158.** Notes of a Sermon preached by Mr. Moreton in Boston at the end of September, 1687. His text was Galatians, v. 22. His teaching was that under whatever Government we lived we ought not to resist unless we had a clear conscience for it, and that, though the rulers of Jerusalem were unjustly set aside, this would not last long. ½ *p. Inscribed with a short note in Edward Randolph's hand.* [*Colonial Papers, Vol. LXV., No.* 51.]

Dec. $\frac{3}{13}$. **1,159.** Memorial of the French Ambassador. *Abstracted in a previous volume of this Calendar*, 1685-1688. *No.* 1550. *Original. French.* 4 *pp. Endorsed*, Recd. $\frac{4}{14}$ Dec., 1687. [*Colonial Papers, Vol. LXV., No.* 52.]

1,160. Memorandum, giving a summary of Governor Dongan's requisitions for men, arms and ammunition to defend the Indians against the French. 1½ *pp.* [*Colonial Papers, Vol. LXV., No.* 53.]

1,161. Memorandum by John Spragge. Respecting the importance of the Indian trade and of conciliating the Indians to the English colony of New York. 2½ *pp. Endorsed*, "Mr. Spragg's paper." [*Colonial Papers, Vol. LXV., No.* 54.]

1688. **1,162.** Abstract of recent letters from Governor Dongan, relating to the Indians at New York. *The latest letter seems to be that of* 19 *February*, 1688. *See previous volume of this Calendar*, 1685-1688. *No.* 1638. *Draft, with corrections.* 1½ *pp.* [*Colonial Papers, Vol. LXV., No.* 55.]

[1688. April.] **1,163.** Memorandum for the Lord President. To move the King to nominate a Lieutenant Governor for New England, to settle salaries for him and the Governor in Chief, and to recall Colonel Dongan. *Draft.* ½ *p.* [*Colonial Papers, Vol. LXV., No.* 56.]

[July 24.] **1,164.** Account of vessels cleared from Bermuda with their freights, and destinations. *Below the tables is written*, This is an abbreviate of the Collector's accounts which fear are very erroneous. 2 *pp. Endorsed*, Recd. from Sir R. Robinson, 24 July, 1688. [*Colonial Papers, Vol. LXV., No.* 57.]

July. **1,165.** Extract from a Memorial of the condition of the dissenters in New England, presented to the King by Increase Mather, Samuel Newel and Elisha Hutchinson, and read before the King in July, 1688. *See previous volume of this Calendar*, 1685-1688. *No.* 1678. 2 *pp.* [*Colonial Papers, Vol. LXV., No.* 58.]

1688.
Sept. 29. **1,166.** Account of indigo imported at the port of London from Michaelmas 1687 to Michaelmas 1688. From the English West Indies, 168,807*lbs.*, from India, the Straits and Cadiz, 27,038*lbs.* ½ *p.* [*Colonial Papers, Vol. LXV., No.* 59.]

Oct. 12. **1,167.** Order of the King in Council. Respecting Colonel Hender Molesworth. *Already abstracted in previous volume of this Calendar*, 1685-1688. *No.* 1905. *Copy.* 2 *pp.* [*Colonial Papers, Vol. LXV., No.* 60.]

Oct. 17. **1,168.** The King to Governor the Duke of Albemarle. Giving the substance of his decision as to Colonel Hender Molesworth. *See previous volume of this Calendar*, 1685-1688. *Nos.* 1903-1905. [*Colonial Papers, Vol. LXV., No.* 61.]

Nov. 7, etc. **1,169.** Extract of petitions and letters of George Reid (Read or Reed) a planter of Jamaica, that, since he was formerly employed by the Royal African Company and put out undeservedly by Sir Tho. Modyford, he may be resettled in his employment as factor for that Company. *See Cal.* 1688. *Nos.* 1927, 1947, 1951. 2¾ *pp. Endorsed*, Recd. from Mr. Churchill, the King's Stationer, June 4, 1689. [*America and West Indies.* Jamaica, 540. *No.* 5A.]

Dec. 8. **1,170.** Account of stores of war in Fort James at New York, taken 29 August, 1688, delivered 8 December, 1688. *Large sheet.* [*Colonial Papers, Vol. LXV., No.* 62.]

1,171. Short account of the proceedings in relation to the French in Canada, from August, 1686, to August, 1688. This is simply a précis of the intelligence given by Governor Dongan in his despatches. *See previous volume of this Calendar*, 1685-1688. 5 *pp. In John Povey's handwriting.* [*Colonial Papers, Vol. LXV., No.* 63.]

1,172. Abstracts of the grants of wrecks made to the Earl of Feversham and the Duke of Albemarle. Three parallel columns. 3 *large pp., in John Povey's handwriting.* [*Colonial Papers, Vol. LXV., No.* 64.]

1688? **1,173.** Project for a Joint-stock Company with a capital of £500,000 for the support and working of the West Indian Colonies. 3 *pp.* [*Colonial Papers, Vol. LXV., No.* 65.]

1,174. Account of ships sailed out and home from Virginia in the years 1687 and 1688. 1 *p.* [*Colonial Papers, Vol. LXV., No.* 66.]

1689.
[Feb.] **1,175.** Printed Proclamation for the acceptance of King William and Queen Mary by the Colonies; with blanks left for the insertion of each Colony's name. *Black letter.* 1 *p. Addressed*, To the Captains of frigates and masters of ships employed in the fishery of Newfoundland. [*Colonial Papers, Vol. LXV., No.* 67.]

April 1. **1,176.** Order of the King in Council. Respecting the petition of Edward Thompson. *Abstracted in previous volume of this Calendar*, 1689-1692. *No.* 63. [*Colonial Papers, Vol. LXV., Nos.* 68, 68 I.]

1689.

April 5. **1,177.** Minute of Lords of Trade and Plantations. That Mr. Edward Thompson be asked to state what objections he may have against the present office for listing servants for the Plantations. *Draft.* ½ *p.* [*Colonial Papers, Vol. LXV., No.* 69.]

May 15. **1,178.** Minute of Lords of Trade and Plantations. For a copy of Mr. Thompson's petition to be sent to the Colonial Merchants. *Draft.* ½ *p.* [*Colonial Papers, Vol. LXV., No.* 71.]

[May.] **1,179.** Draft letter to several Colonial Merchants, ordering them to attend on the 29th of May in the business of Mr. Edward Thompson's petition for the office of registering servants for the Plantations. 1½ *pp. In John Povey's handwriting.* [*Colonial Papers, Vol. LXV., No.* 70.]

[May.] **1,180.** Names of the persons to be summoned before the Committee upon Edward Thompson's business. ½ *p.* [*Colonial Papers, Vol. LXV., No.* 72.]

[May.] **1,181.** Petition of Edward Thompson. Sending a certificate from various merchants in favour of the establishment of an office in London for registering servants for the Colonies. 1 *p.* *Annexed,*

1,181. I. The certificate aforesaid. *Fifty-six signatures.* [*Colonial Papers, Vol. LXV., Nos.* 73, 73 I.]

[June.] **1,182.** Pamphlet by C.D. in answer to the account of the Revolution at Boston. *Already abstracted in previous volume of this Calendar*, 1689-1692. *No.* 181. 4½ *pp. In the handwriting of Edward Randolph. Endorsed,* "The printing of this pamphlet will more "justify us than if I should trouble their Lordships with many "letters. E.R." [*Colonial Papers, Vol. LXV., No.* 74.]

1,183. Draft of an Act for restoring bodies politic and corporate, and confirming their laws and liberties. 19 *pp.* [*Colonial Papers, Vol. LXV., No.* 75.]

July 21. Admiralty. **1,184.** The Secretary of the Navy Board to William Blathwayt. Forwarding draft instructions for the Newfoundland convoy, for his observations. *Signed*, P. Bowles. ½ *p.* [*Colonial Papers, Vol. LXV., No.* 76.]

July 27. Admiralty. **1,185.** The same to the same. The Order in Council taken notice of in the Newfoundland instructions is dated 16 May, and refers to the forbidding ships to sail without convoy, or to leave it during their voyage, with other matters proposed by the West Country Adventurers. *Signed*, P. Bowles. 1 *p.* [*Colonial Papers, Vol. LXV., No.* 77.]

July 27. **1,186.** Report of the Lords of Trade and Plantations. Recommending that a strong squadron, or at least a convoy, be sent to disturb the French in Newfoundland, that St. John's should be fortified and materials sent there for the purpose next spring, and that meanwhile an engineer should be sent out to survey St. John's and Ferryland and report as to those harbours, and as to the material and labour available for building. *Draft much corrected.* 5½ *pp.* [*Colonial Papers, Vol. LXV., No.* 78.]

1689.
July 27. **1,187.** Instructions of the Board of Ordnance to Martin Skynner, who is appointed to go engineer to Newfoundland next spring. To draw exact surveys of St. John's and Ferryland and report as to the materials and labour at hand for fortifying them. *Copy.* 1 *p.* [*Colonial Papers, Vol. LXV., No.* 79.]

[Sept. 21.] **1,188.** Index of Barbados Papers from 16 December, 1684 to 21 September, 1689. 16½ *pp.* [*Colonial Papers, Vol. LXV., No.* 80.]

Oct. 15. **1,189.** Petition of James Kenvin, by order of Colonel Thomas Dongan, to the King. Dongan served many years in Spain and France until summoned home by King Charles II., when on leaving the French service the pay due to him by the French King was delivered me, and he was ordered to leave France in eight days. No compensation was given him in England until he was made Governor of New York, where he was obliged to spend £6,000 for defence of the Colony, for £2,000 of which his goods have been seized, and, but for the charity of those who remember his services, would have starved for want. He begs repayment of the sums that he has disbursed and leave to come home. 1 *p.* *In the margin,* Order of the King, referring the petition to Lords of Trade and Plantations for report. *Signed,* Shrewsbury. *Endorsed,* Recd. 23 Oct., 1689. Read 25 Nov., 1689. No order upon it. [*Colonial Papers, Vol. LXV., No.* 81.]

Dec. 6. **1,190.** William Blathwayt to Phineas Bowles. The Lords of Trade and Plantations desire to know by to-morrow morning the names of the ships designed for the squadron for the West Indies, also the names of the convoys for Virginia, and the date when the convoys and squadron will sail. *Draft.* ½ *p.* [*Colonial Papers, Vol. LXV., No.* 82.]

1690.
March 13.
Whitehall. **1,191.** Order of the King in Council. Referring the petition of the Hudson's Bay Company to Lords of Trade and Plantations for report. *Signed,* John Nicolas. ½ *p.* *Annexed,*

1,191. I. Petition of the Hudson's Bay Company. Our factories through the loss of two of our ships are left destitute. We beg protection for one hundred seamen for two of our ships, that they may be able to prosecute their voyage, or ruin lies before us. ¾ *p.* *The whole endorsed,* Read 26 March, 1690. [*Colonial Papers, Vol. LXV., Nos.* 83, 83 I.]

March 13. **1,192.** Order of the King in Council. Referring a second petition of the Hudson's Bay Company to Lords of Trade and Plantations for report. *Signed,* John Nicolas. ½ *p.* *Annexed,*

1,192. I. Petition of the Hudson's Bay Company. Praying that, in consequence of their heavy losses, the King will grant them a small fourth-rate frigate as convoy for their ships. ¾ *p.* *The whole endorsed,* Read 26 March, 1690. [*Colonial Papers, Vol. LXV., Nos.* 84, 84 I.]

March 15. **1,193.** Depositions of Thomas Savage and Amice Dumaresq, and of James Young. Testifying that owing to the want of provisions in Hudson's Bay the Governor in September had shipped

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home as many men as possible, and placed the rest upon short allowance. *Each deposition* 1½ *pp.* [*Colonial Papers, Vol. LXV., Nos.* 85, 86.]

March 24. **1,194.** Jno. Coode to the Principal Secretaries of State. 3 *pp. Same as Cal.* 1690. *No.* 792. [*Colonial Papers, Vol. LXVI., No.* 108.]

March 24. **1,195.** Representation of the Governor and Committee of the Hudson's Bay Company. We have slaughtered fifty oxen and one hundred hogs, and bought enormous quantities of flour and other provisions for our garrisons, without which they must perish. The miscarriage of our ships last year makes it urgently necessary to send more ships this year. The voyage even to the East Indies is not so urgent as this, because (1) owing to ice the voyage to Hudson's Bay is possible only at certain seasons. (2) The East Indies are in no danger of perishing from starvation. (3) The East Indian fleet will want many men and will be absent eighteen months; we want only one hundred men, and the voyage, going and returning, occupies only five months. We have suffered more from the French than any other Company, being exposed to invasion. Last year it cost us £5,000 to set out our ships; this year it will cost us £5,000 more to fit out our ships and provision our garrisons, which expense will be wholly lost unless our voyage be permitted. 1½ *pp. Endorsed,* Recd. 24 March, Read 26 March, 1690. [*Colonial Papers, Vol. LXV., No.* 87.]

March 26. **1,196.** Report of Lords of Trade and Plantations to the King. Upon the petitions of the Hudson's Bay Company, it is absolutely necessary that their garrisons must be victualled from home, and we therefore recommend that protection be granted to them for one hundred seamen for their ships. *Draft.* 2 *pp.* [*Colonial Papers, Vol. LXV., No.* 88.]

June 10. **1,197.** William Blathwayt to the Secretary of the Admiralty. Enclosing a proclamation of their Majesties' accession for Newfoundland, also heads of enquiries to be answered by the Commander-in-Chief of the Convoy and an additional instruction to him concerning the French. *Draft.* ½ *p.* [*Colonial Papers, Vol. LXV., No.* 89.]

Aug. 26.
Custom House.
1,198. Secretary of Customs to the Secretary of the Treasury. Forwarding a presentment for obtaining a squadron of ships to secure the return of the Plantation ships homeward. *Signed,* Jno. Sansom. ¼ *p.* [*Colonial Papers, Vol. LXV., No.* 90.]

Aug. 26.
Custom House.
1,199. Commissioners of Customs to the Lords of the Treasury. About September next large fleets are expected from Virginia and other Plantations, the safety of which is most important to the kingdom, not only in respect to the customs that they will pay and the seamen that they will bring home, but in regard to the estates of the merchants concerned. We beg that a competent squadron of men-of-war may be ordered to the Westward of Scilly to secure their arrival. *Signed,* Hen. Guy, G. Boothe, Jo. Werden, Robt. Clayton. ½ *p. Endorsed,* Read at the Council of Trade, 4 Sept., 1690. [*Colonial Papers, Vol. LXV., No.* 91.]

1690.
Aug. 26.
Admiralty.

1,200. Lords of the Admiralty to Lords of Trade and Plantations. In reply to yours of 22nd inst. we have sent no orders to the Commander-in-Chief of the West Indian squadron since it left England, having received no letters from him. It was victualled for eight months when it sailed, which it is supposed, by putting the men on short allowance, will last for twelve months. We have ordered six months' additional victuals to be sent to the West Indies with all speed, but we cannot tell you when this supply will be ready to sail. *Signed,* Tho. Lee, J. Lowther. ¾ p. *Endorsed,* To Cabinet Council about this and about the scheme for seamen. [*Colonial Papers, Vol. LXVI., No.* 1.]

Aug. 27.
Admiralty.

1,201. J. Sotherne to William Blathwayt. *Already abstracted in a previous volume of this Calendar,* 1689-1692. *No.* 1039. ¾ *p.* [*Colonial Papers, Vol. LXVI., No.* 2.]

Aug. 28.

1,202. Reasons for imposing an embargo until Michaelmas, 1691. (1) The prosperity of the nation depends upon the success of the Royal Navy manned by the best seamen, and late experience has shown that such men cannot be obtained while trade is indulged as at present. (2) So long as trade is tolerated it will be impossible to obtain good seamen, for masters allow their men to abscond, giving them fifty shillings and three pounds a month, to enable them to evade the press. (3) The suspension of trade during the period recommended would turn trade into its due channel, and weaken our enemies, who will make it their whole business to privateer, thus increasing their gains and augmenting the number of their seamen. (4) Nothing but a general embargo on all ports can prevent this mischief, for, no matter what the hazard, merchants will send abroad ships to the parts with which they trade, and thus our enemies gain supplies, for the merchants in London, hearing of the despatch of these vessels, emulate them by sending their vessels also. (5) The suspension of trade at this time will be of no prejudice to the merchants nor to the inhabitants of the Colonies, for the latter were supplied by the merchants last spring, and the merchants have not yet bought their goods and fitted their ships, as last year, when this was the cause for their begging for liberty to trade. (6) Many mischiefs and inconveniences would be prevented by such an embargo. We beg also that a squadron may be sent in September to bring in the fleets from Virginia and the West Indies, some two hundred sail. 1½ *large pp.* *Endorsed,* given my Ld. President by some Virginia Merchants. 28 Aug., 1690. [*Colonial Papers, Vol. XLVI., No.* 3.]

Sept. 11.

1,203. Memorial of the African Company to Lords of Trade and Plantations. You have ordered four convoys to sail in October so as to return by the end of March next. Our ships cannot return in so limited a time, and we therefore beg that we may have liberty to send ships as our occasions may require, with stores and provisions for the preservation of our castles and fortresses ; also for negroes for the West Indies, which, owing to the embargo last year, were but slenderly supplied. We beg also that one of the ships of the Barbados convoy may be ordered to Cambia to assist and countenance the people there, which deviation can be no hindrance to such

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ships convoying home the American fleet. 1 *p.* *Endorsed*, Recd. 11 Sept., 1690. Read same day. [*Colonial Papers, Vol. LXVI., No.* 4.]

Sept. 11. **1,204.** Memorial of the merchants trading to Italy. Praying that the convoy for the Straits may proceed as far as Leghorn, and stay there six days so as to bring back any ships from thence. No time will be lost thereby. *Six signatures.* 1 *p.* *Endorsed as the preceding.* [*Colonial Papers, Vol. LXVI., No.* 5.]

Sept. 11. **1,205.** Memorial of the merchants trading to Newfoundland. Five or six small ships, which will carry about forty men, are fitting out and will be ready to sail on the 10th October with provisions for the poor people in Newfoundland. They as well as the whole trade will be lost unless some relief be sent to them. We beg, therefore, that no embargo may be laid on ships for Newfoundland before the 10th or 20th of October next. ½ *p.* [*Colonial Papers, Vol. LXVI., No.* 6.]

Sept. 11. **1,206.** Petition of the merchants trading to New England to the King. New England supplies the West Indies with provisions, but many New England ships are now laid up in England, while others have been taken by the French, so that the traders of the Colony are now in great want of shipping. We beg that a convoy may be granted for the maintenance and support of our trade. *Twenty-five signatures.* ½ *p.* *Endorsed*, Recd. 11 Sept., 1690; read same day. [*Colonial Papers, Vol. LXVI., No.* 7.]

[Sept. 11.] **1,207.** Petition of the traders to Jamaica to the House of Commons. We had orders from the Privy Council that two hundred seamen should be allowed to us to proceed to the Isle of Jamaica, and we furnished a list of them and gave bond for them at the Custom House, as required. We now learn that upon your address the King will allow us but one hundred seamen, whereby six of our vessels, already fitted out, loaded with ammunition, stores, and provisions, must be brought back again, to the ruin of the owners and the danger of the Island. Since these six ships contain but fifty-six men, we beg you to make a fresh representation to the King in our favour. *Fourteen signatures.* 1 *p.* [*Colonial Papers, Vol. LXVI., No.* 8.]

Sept. 18. **1,208.** Petition of traders to the Leeward Islands to the King. We hear that you have directed the squadron in the West Indies to return home immediately. We are deeply sensible of the danger to the Leeward Islands if any part of this force be taken away. Two hundred ships from the West Indies are homeward bound, which will furnish many seamen to the Royal Navy. We beg, therefore, that the squadron be continued in these parts and that victuals may be sent to it. *Eighteen signatures.* ½ *p.* *Endorsed*, Recd. and read in Council, 18 Sept., 1690. [*Colonial Papers, Vol. LXVI., No.* 9.]

Sept. 21. **1,209.** Petition of the merchants trading to Barbados to the King and Queen. Barbados depends now on England for subsistence, supplies from Ireland and New England being now cut off.

1690.

Fewer ships than can be sailed with six hundred men will not suffice to relieve the island's necessities, and the planters will be ruined unless ships be sent to bring home their produce. The number of ships now asked for is not a quarter of that annually laden by the island in time of peace. The ships, being ready in the Downs by 20 October, may reasonably be expected to return in April, and their detention will cause great loss. We beg, therefore, that they may be permitted to sail. *Fifteen signatures.* 1 *p.* *Inscribed,* Presented, 21 Sept., 1690. [*Colonial Papers, Vol, LXVI., No.* 10.]

Sept. 21. **1,210.** Petition of the traders to Virginia and Maryland to the King. We had fitted up ships for the Plantations requiring a thousand or twelve hundred seamen, which we hoped to receive in discharge from the Royal Navy. You have ordered, however, that we shall have but four hundred men, which has led to much competition among us for them. To avoid this inconvenience we suggest that a general embargo be imposed, as the Colonies are sufficiently supplied for the present. *Twenty-three signatures.* 1 *p.* *Inscribed,* Presented 21 Sept., 1690. [*Colonial Papers, Vol. LXVI., No.* 11.]

Sept. 21. **1,211.** List of ships now bound to Virginia and Maryland. Fifty-two ships requiring 1,142 men. 1 *p.* *Endorsed,* Presented 21 Sept., 1690, by the Virginia merchants. [*Colonial Papers, Vol. LXVI., No.* 12.]

Sept. 22. **1,212.** The Lord President to William Blathwayt. The question of trade in relation to the number of men and to convoys was considered by the King in Council yesterday. The West India merchants are allowed twelve hundred men and their convoy will be ready for them in the Downs on 20 October, but will accompany them only a sufficient distance out of soundings. On their arrival in the West Indies convoys should be allotted them from Captain Wright's squadron, which should attend them there and return with them. The Virginia and Maryland merchants are also allowed twelve hundred men, and their convoy will be ready on 31 October. The African ships are not to go at all, but the rest will stand as in the paper which you gave, excepting such alterations as I have already specified. The distribution of the men among the merchants has been left to the Commissioners of Customs, but it is suggested that the number shall be proportioned to the customs paid in each port by the respective traders. It is also ordered that they shall give bond to sail to no port but that for which they enter, and that they shall return with the convoys. Care is to be taken as to the ships bound to the Straits, for they are ordered not to go beyond Malaga. The Messina ships will be convoyed by the squadron that goes to the Mediterranean. The ships to Lisbon will be convoyed by some of those that go to Malaga. I write this because I shall not be this night in London. *Signed,* Carmarthen, P. *Holograph.* 3 *pp.* [*Colonial Papers, Vol. LXVI., No.* 13.]

[Sept.] **1,213.** Considerations upon the present embargo. The King should give orders how long the ships bound to Virginia, Maryland, and New England shall stop, when they shall go and under what

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security, and an advice-boat should be sent to notify the men in Virginia. It should be distinguished what ships shall have leave to go to Barbados to make up the number of two hundred men, and what to Jamaica to make up the number of one hundred men. The ships that carry provisions and recruits to Barbados have 266 men. The embargo on the ships to the Canaries and Cadiz should be raised at once. 1 *p.* [*Colonial Papers, Vol. LXVI., No.* 14.]

Sept. 25. **1,214**. Abstract of the orders given as to the sailing of convoys. *Already given in the Lord President's letter of* 22 *September*, 1690. 1 *p.* [*Colonial Papers, Vol. LXVI., No.* 15.]

Sept. 25. **1,215**. The Victualling Board to the Admiralty. We have agreed with the commanders of the ships enumerated below to carry three months' provision to the West Indian squadron, but the King has allotted a given number of mariners to the West Indian trade, of which the traders would exclude these victualling vessels from having any share. We conceive that these ships should be favoured rather than the reverse, and, if no proportion of these mariners be allowed to them, they will be unable to sail. We beg your intercession in favour of the masters of these ships. *Here follows the list of victualling ships, five in number, aggregating* 1,380 *tons. Copy.* 2 *pp. Endorsed*, Recd. 27 Sept., 1690; read same day. [*Colonial Papers, Vol. LXVI., No.* 16.]

Sept. 25. **1,216**. Draft memorandum of the orders given for the convoy of the West Indian squadron on 25 September, 1690. ½ *p.* [*Colonial Papers, Vol. LXVI., No.* 17.]

Oct. 4.
Custom House.

1,217. Commissioners of Customs to the Lords of the Treasury. Forwarding the lists of ships and men designed for the trade to Virginia, Maryland and the West Indies, that orders may be given to the convoys to take them in charge. *Signed*, J. Warde, G. Boothe, Rich. Temple, Jo. Werden, Robt. Clayton, Hen. Guy. 1 *p. Annexed*,

1,217. I. List of ships bound to Virginia and Maryland. 46 ships, 800 men. 2 *pp.*

1,217. II. List of ships bound to Barbados. 31 ships, 400 men. 1 *p.*

1,217. III. List of ships bound to the Leeward Islands. 17 ships. 199 men. 1 *p.*

1,217. IV. List of ships bound to Jamaica. 14 ships, 200 men. 1 *p.*

The whole endorsed, Recd. 16 Oct., 1690. [*Colonial Papers, Vol. LXVI., Nos.* 18, 18 I.-IV.]

Oct. 7. **1,218**. John Addis to William Blathwayt. I have duly received the pacquets for the West Indies, and shall be careful to deliver them to the Master of the Advice-boat bound thither. *Signed*, Jo. Addis. ¼ *p.* [*Colonial Papers, Vol. LXVI., No.* 19.]

Oct. 8.
Custom House.

1,219. Commissioners of Customs to the Lords of the Treasury. Asking that two Bristol ships may be subjoined to the list of the fleet bound for Maryland and Virginia, and annexing a

1690.

list of ships bound for New England and Newfoundland. *Signed,* Jo. Werden, J. Warde, Robt. Clayton, Robert Southwell. 1½ *pp.* *Annexed,*

1,219. i. List of ships bound for New England, 6 ships, 70 men; and of ships bound for Newfoundland, 4 ships, 40 men. 1 *p.* *The whole endorsed,* Ordered, 16 Oct., 1690. [*Colonial Papers, Vol. LXVI., Nos.* 20, 20 i.]

Oct. 17. **1,220.** Sir Robert Southwell to William Blathwayt. The poor Protestants of Ireland, merchants and others of Cork, Kingsale and thereabouts, now at Bristol, are much rejoiced at the permission given for their return. But Mr. William Hovel, of Cork, is much aggrieved by the order that all ships going directly for Ireland shall give bond to return directly for England, for one of his own ships will thus be detained in England, whereas she belongs to Cork. He therefore begs that his ship may be allowed to go free. Pray lay the case before the Lords of Trade. *Signed,* Robert Southwell. *Holograph.* 1 *p.* [*Colonial Papers, Vol. LXVI., No.* 21.]

Oct. 23. **1,221.** Edward Southwell to William Blathwayt. There are two more cases like Mr. Hovell's of which my father wrote to you (*See preceding abstract*), whose Protestant owners desire the same favour. My father hopes they will be gratified, for he would then cause one of them to load coal at Swansea and sail direct to Kingsale, for he fears that the many soldiers in the town will, when the winter comes, pull down one house to warm another. *Signed,* Edward Southwell. 1½ *pp.* [*Colonial Papers, Vol. LXVI., No.* 22.]

Oct. 23. **1,222.** Memorial of Louis Zuhm to the King. Praying permission for the ship *Virginia Factor* to sail to Virginia. *Dutch.* 1 *p.* *Endorsed,* Ordered 23 Oct., 1690. [*Colonial Papers, Vol. LXVI., No.* 23.]

[Oct. 23.] **1,223.** Two lists of ships, permitted to sail by particular orders since the 18th of September, up to the 23rd of October. 2 *pp. and* 1 *p.* [*Colonial Papers, Vol. LXVI., Nos.* 24, 25.]

Oct. 25. **1,224.** Abstract and comparison of the number of seamen sent out in the trades to the Straits, Spain, and Portugal, to the Canaries, to Guinea, and to the Plantations in December, 1689, and January, 1690, and of those going out in October, 1690. Sent in December, 1689, and January, 1690, 8,190 seamen; in October, 1690, 6,073 seamen. 1 *p.*

State of next year's trade in relation to the number of men and convoys. 1 *p.* *The whole endorsed,* 25 October, 1690. [*Colonial Papers, Vol. LXVI., No.* 26.]

[Oct. 25.] **1,225.** Short abstract of the papers and minutes concerning next year's convoys. *Large sheet, with many corrections.* [*Colonial Papers, Vol. LXVI., No.* 27.]

[Oct. 25.] **1,226.** Abstract of the number of seamen allowed to the several ships trading to the Plantations. 1¼ *pp.* [*Colonial Papers, Vol. LXVI., No.* 28.]

Oct. 31. **1,227.** Commissioners of Customs to Lords of the Treasury. The number of seamen from the port of Dartmouth was not inserted

1690.

in the list of ships allowed to go to the Plantations, the port having made no return of them. We have since received, and now enclose the return. *Signed*, Robert Southwell, G. Boothe, Jo. Werden, J. Warde. ¾ *p.* *Annexed*,

1,227. i. List of ships from the port of Dartmouth sailing for the Plantations. 9 ships, 35 English seamen. ½ *p.* *The whole endorsed*, Granted in Council, 6 Nov., 1690. [*Colonial Papers, Vol. LXVI.*, *Nos.* 29, 29 i.]

Nov. 6. **1,228.** Commissioners of Customs to Lords of the Treasury. Forwarding a list of ships and men that will proceed to the Plantations from Newcastle. *Signed*, G. Boothe, Jo. Werden, J. Warde, Robt. Clayton. ¾ *p.* *Annexed*,

1,228. i. List of ships and seamen allowed this season from Newcastle. 5 ships, 40 men. ¼ *p.* *The whole endorsed*, Recd. 15 Nov., 1696. [*Colonial Papers, Vol. LXVI.*, *Nos.* 30, 30 i.]

Nov. 13. Custom House. **1,229.** Secretary of Customs to William Blathwayt. I send a list of ships cleared from Gravesend since the 18th of September. A return is preparing for you giving the tonnage of the ships and the number of men. *Signed*, Jno. Sansom. 1 *p.* *Endorsed*, Read same day at noon. *Annexed*,

1,229. i. List of ships cleared from Gravesend for the Plantations and Southward since 23 September, 1690. *Large sheet.*

1,229. ii. List of ships cleared from London and Gravesend for Spain. 1 *p.*

1,229. iii. List of ships cleared from all ports for the Plantations. 8 *pp.*

1,229. iv. List of ships bound for Newfoundland. 1 *p.*

1,229. v. List of ships cleared from Gravesend from 19 September to 12 November, 1690. 6 *pp.*

1,229. vi. List of ships cleared from the port of London. 12 *pp.*

1,229. vii. State of next year's trade in relation to the number of men and convoys. *Large sheet.* [*Colonial Papers, Vol. LXVI., Nos.* 31, 31 i.-vii.]

Nov. 13. Custom House. **1,230.** Secretary of Customs to William Blathwayt. Forwarding a report from the Commissioners of Customs to accompany the lists of ships. *Signed*, Jno. Sansom. ½ *p.* *Annexed*,

1,230 i. Commissioners of Customs to Lords of the Treasury, 13 Nov., 1690. We duly circulated the Order for an embargo on the 18th of September and have no reason to believe that any ships have cleared, without permission, since the order. A few ships have broken away, as we have already informed you, but we shall be more particular hereafter that such offenders shall be punished. The lists required of us have been furnished. *Signed*, J. Boothe, Jo. Werden, J. Warde, Robert Southwell. 1½ *pp.* *The whole endorsed*, Recd. the same afternoon. [*Colonial Papers, Vol. LXVI.*, *Nos.* 32, 32 i.]

1690.
Nov. 14.

1,231. William Blathwayt to the Secretary of Customs. Some of the Commissioners will be required to attend the Council on Saturday. Meantime please send me an account of the proportion used by the Commissioners in allowing seamen to ships from the port of London and the outports; and desire Mr. Hutchinson and Mr. Tyrrell, the Collectors outwards, to call on me before one o'clock to-day. *Draft.* 1 *p.* *Annexed,*

1,231. I. List of the ships cleared outwardly since 23 September, 1690. 4½ *pp.* [*Colonial Papers, Vol. LXVI., No.* 33.]

Nov. 14.

1,232. Lords of the Admiralty to William Blathwayt. In obedience to the Order in Council of yesterday we report that it has been usual for the convoys to search the merchant-ships to see how many seamen they carry, but this proved ineffectual last year, when the number of ships was large. *Signed,* Pembroke, Tho. Lee, J. Lowther, E. Russell, Ri. Onslow. 1 *p.* *Endorsed,* Recd. 15 Nov., 1690. [*Colonial Papers, Vol. LXVI., No.* 34.]

Nov. 14.
Custom House.

1,233. Secretary of Customs to William Blathwayt. Enclosing a statement from Sir John Werden as to the proportions of seamen allowed to each port by the Commissioners. *Signed,* Jno. Sansom. ¾ *p.* *Annexed,*

1,233. I. Sir John Werden to William Blathwayt. The proportion of men from London is 1,599, from the outports 801. Possibly some ships cleared from London may have more men aboard than are allowed. We design three fourths of the complements to be English and one fourth foreigners, but doubt if this be practicable. *Here follow details in explanation of the lists and tables.* *Signed,* Jo. Werden. 2 *pp.*

1,233. II. List of ships cleared at Gravesend since 23 September, 1690. 3 *pp.*

1,233. III. List of ships bound for the Plantations from the port of Bristol. 1 *p.*

1,233. IV. List of ships bound outwards from various ports. 1½ *pp.*

1,233. V. List of ships bound outwards from the port of Plymouth. 1 *p.* [*Colonial Papers, Vol. LXVI., Nos.* 35, 35 I.-V.]

Nov. 17.

1,234. Orders of the Admiralty to Captain Wright. Commanding the West Indian Squadron. Requiring him to continue in the West Indies and to do his best to secure the English Islands and injure the French until further orders. *Copy.* ½ *p.* [*Colonial Papers, Vol. LXVI., No.* 36.]

Nov. 18.
Admiralty.

1,235. Secretary of the Admiralty to William Blathwayt. As there are no officers of the Navy in the out-ports to enforce the Order in Council of the 15th inst., it will be necessary for the officers of Customs to see that ships take no greater number of seamen than is allowed to them. *Signed,* J. Sotherne. 1 *p.* [*Colonial Papers, Vol. LXVI., No.* 37.]

[Nov. 20.]

1,236. Abstract of Orders concerning ships permitted to sail since the 18th September until the 20th of November. 3 *pp.*

1690.

1,236. I. Duplicate of the foregoing. 3 *pp.* [*Colonial Papers, Vol. LXVI., Nos.* 38, 39.]

[Nov. 20.] **1,237.** List of ships and men permitted to sail from some of the out-ports to Spain and Portugal. 2 *large sheets. Endorsed,* Read, Nov. 20, 1690. [*Colonial Papers, Vol. LXVI., No.* 40.]

Nov. 20. **1,238.** William Blathwayt to John Sansom. Asking for a copy of the bond given by masters of ships trading to Spain and Portugal. *Draft.* ¼ *p.* [*Colonial Papers, Vol. LXVI., No.* 41.]

Nov. 21. **1,239.** John Sansom to William Blathwayt. Forwarding the bond given by all masters clearing to Spain and the Plantations. ¼ *p. Annexed,*

1,239. I. Printed form of the bond in question. 1 *p.* [*Colonial Papers, Vol. LXVI., Nos.* 42, 42 I.]

Nov. 22. **1,240.** William Blathwayt to the Secretary of the Admiralty. The Lords of Trade desire some of the Commissioners of the Navy to attend on the 24th, to inform them what has been done or ordered as to shipping the recruits for the Duke of Bolton's regiment. *Draft.* ¾ *p.* [*Colonial Papers, Vol. LXVI., No.* 43.]

Nov. 29. Admiralty. **1,241.** Secretary of Admiralty to William Blathwayt. The Navy Board had directions to take up shipping to transport the recruits of the Duke of Bolton's regiment to the West Indies, and I presume that they reported their proceedings, Nov. 22. I am now writing to ascertain what care is taken for the soldiers to be shipped at Portsmouth, and will acquaint you with their answer. *Signed,* J. Sotherne. ¾ *p.* [*Colonial Papers, Vol. LXVI., No.* 44.]

Dec. 1. **1,242.** Resolution of the House of Commons. To address the King for levying an immediate embargo on all ships except such as carry provisions and ammunition to the Plantations, that sufficient seamen may be forthcoming for next year's fleet. *Copy.* 1 *p. Endorsed,* Read, 2 Dec. [*Colonial Papers, Vol. LXVI., No.* 45.]

Dec. 2. **1,243.** Minute of the Committee of Trade and Plantations about ships. Brief notes as to the sailing of ships for various destinations. 1 *p.* [*Colonial Papers, Vol. LXVI., No.* 46.]

[Dec. 2.] **1,244.** List of merchant ships allowed to sail since the embargo of 18 September. *Draft.* 2 *pp. Endorsed,* Read in Council, 2 Dec., 1690. [*Colonial Papers, Vol. LXVI., No.* 47.]

[Dec.?] **1,245.** List of seventeen ships allowed to sail by particular permission to various quarters. 1 *p.* [*Colonial Papers, Vol. LXVI., No.* 48.]

Dec. 4. **1,246.** Minutes of Council of Trade and Plantations about ships. Brief notes as to shipping and seamen. 1 *p.* [*Colonial Papers, Vol. LXVI., No.* 49.]

Dec. 4. **1,247.** Consideration upon the present embargo. Rough notes in John Povey's hand, with several corrections. 1 *p.* [*Colonial Papers, Vol. LXVI., No.* 50.]

1690.
[Dec.] **1,248.** Abstract of orders relating to the West Indian squadron. *Rough draft.* 1 *p.* [*Colonial Papers, Vol. LXVI., No.* 51.]

Dec. 9. **1,249.** Petition of the traders to Virginia and Maryland to the House of Commons. We had prepared ships with eight hundred seamen to sail this year, and laid out over £150,000 in fitting them. They sailed for the Downs under convoy with men not exceeding the prescribed number, when on your address the King ordered them to be stopped until May next, which, owing to the perishableness of part of the cargo and the expense of fitting out, will be a loss of £40,000 to us, and will ruin many of the inhabitants. We beg you to intercede with the King for removal of the embargo. *Thirty-three signatures.* 1 *p.* *Endorsed,* Read in Parliament 9 Dec., 1690. Referred to the King.

1,249. I. Another copy of the Petition. 1 *p.* [*Colonial Papers, Vol. LXVI., Nos.* 52, 53.]

Dec. 9. **1,250.** Petition of the traders to Barbados to the same. We had prepared ships carrying four hundred men to sail, with provisions, clothing, arms, and ammunition. By our last advices the island was ready to perish for want of food and clothing. Unless these ships sail, the advantages gained over the French will be sacrificed, and we shall suffer heavy loss. We beg you to interpose for the removal of the embargo which was imposed upon your address. *Forty signatures.* 1 *p.* *Endorsed as the preceding.*

1,250. I. Duplicate. [*Colonial Papers, Vol. LXVI., Nos.* 54, 55.]

Dec. 9. **1,251.** Petition of the traders to Jamaica to the House of Commons. To the same effect as the preceding. *Twelve signatures.* 1 *p.* *Endorsed,* Read in Parliament, 9 Dec., 1690. [*Colonial Papers, Vol. LXVI., No.* 56.]

Dec. 9. **1,252.** Extract from the Journals of the House of Commons. The petitions from the traders to Virginia, Maryland, Barbados, and Jamaica were read. Resolved that such Members as are Councillors represent the matter to the King and beseech him to order what he thinks fit. 1 *p.* *Endorsed,* Read, 10 Dec., 1690. [*Colonial Papers, Vol. LXVI., No.* 57.]

[1691 ?] **1,253.** ? to the Lords of the Treasury. Upon the petition of Thomas Dongan to the Queen, I find that he is entitled by several conveyances to great quantities of land in Staten Island and other parts of New York Province, of which he now desires confirmation. I am informed that most of Staten Island is held by him and other owners under reserved yearly rents of wheat, and his claims and the terms upon which he makes them are uncertain, but I understand that he desires a grant of the whole island with the fullest franchises. How far such a grant is reasonable or politic I cannot take it on me to determine. *Draft with many corrections.* 3 *pp.* [*Colonial Papers, Vol. LXVI., No.* 58.]

1691.
[Feb. 26.] **1,254.** Memorandum of orders given by the Admiralty to Captain Wright of the West Indian Squadron on the 17th of November, 1690, and the 26th of February, 1691. *Rough draft.* ½ *p.* [*Colonial Papers, Vol. LXVI., No.* 59.]

1691.

[May 4.] **1,255.** Memorial of the Agents for the Leeward Islands. We have received advice from the Leeward Islands that all the shipping there is taken up for an expedition to Guadeloupe, so that it is not known what to propose for their trade at present. When we are further informed we shall make application to you. *Signed*, Bastiaen Bayer, Joseph Martyn, Richard Cary. ½ *p. Endorsed*, Read 4 May, 1691. [*Colonial Papers, Vol. LXVI., No.* 66.]

May 7. **1,256.** Minute of the Privy Council. The King this day ordered that all ships giving bond to go to Newfoundland and to no other part of America might be permitted to sail, any former order to the contrary notwithstanding. ½ *p.* [*Colonial Papers, Vol. LXVI., No.* 60.]

May 12. **1,257.** William Blathwayt to the Admiralty. The Lords of Trade and Plantations desire to know what convoys are appointed for Newfoundland, where they lie at present, at what time they are ordered to sail and under what orders. *Draft.* ½ *p.* [*Colonial Papers, Vol. LXVI., No.* 61.]

May 14. Admiralty. **1,258.** Secretary of the Admiralty to William Blathwayt. In reply to yours of 12th, the *Kingfisher*, fourth-rate, and *Milford*, fifth-rate, are appointed convoys to Newfoundland. The former is now at Woolwich, refitting with all despatch; the latter is taking in her victuals at Sheerness. The instructions are to be the same as last year—to return direct to England as soon as the fishing ships had made their voyage. *Signed*, J. Sotherne. ½ *p.* [*Colonial Papers, Vol. LXVI., No.* 62.]

May 15. Whitehall. **1,259.** William Blathwayt to the Secretary of the Customs. Asking what ships (with the numbers of their crews and burden) are gone out or cleared from any part of the kingdom for Newfoundland since the 1st of January. *Draft.* ½ *p.* [*Colonial Papers, Vol. LXVI., No.* 63.]

May 22. **1,260.** Memorandum. That the Queen be moved to renew the order given last year for an engineer to go out to Newfoundland in the convoy. *Draft. Scrap.* [*Colonial Papers, Vol. LXVI., No.* 64.]

May 25. **1,261.** William Blathwayt to Secretary to the Admiralty. The Lords of Trade have discussed with the merchants the plans for next year's trade; and I am to send you the enclosed paper to be laid before the Admiralty. *Draft.* ½ *p. Attached*,

1,261. I. A table, showing the dates at which the merchants desire the fleets to sail, with notes as to the details. *Large sheet.* [*Colonial Papers, Vol. LXVI., Nos.* 65, 65 I.]

May 28. **1,262.** Memorandum. It was this day ordered by the Queen in Council that the Admiralty give directions for the passage of an engineer on the convoy bound for Newfoundland, and for his victualling and accommodation during his voyage and his stay in the island. *Draft.* ½ *p.* [*Colonial Papers, Vol. LXVI., No.* 67.]

June 29. Admiralty. **1,263.** Secretary of the Admiralty to William Blathwayt. The *Milford* and *Kingfisher* are the convoys appointed for Newfoundland.

1691.

The former has been long in the Downs and the latter I hope is by this time there. *Signed*, J. Sotherne. ½ *p.* [*Colonial Papers, Vol. LXVI., No.* 68.]

Aug. 18. Admiralty. **1,264.** Lords of the Admiralty to Lords of Trade and Plantations. We have informed the merchants that the convoys for the West Indies, Virginia and Maryland are intended to be ready to sail from the Nore on 15 September next, but having received no orders as to convoys designed for other parts we beg for your directions as to these last, that the merchants may have timely notice. *Signed*, J. Lowther, Ri. Onslow, Robt. Austen. 1 *p. Endorsed*, Read, 20 Aug. 1691. [*Colonial Papers, Vol. LXI., No.* 69.]

Aug. 20. Admiralty. **1,265.** Lords of the Admiralty to Lords of Trade and Plantations. Application has been made to us for protection to merchant ships designed for foreign parts. Would it not be well to ascertain the number of ships and men permitted to go with each trade, with a view to the manning of the Navy next spring, and that we should receive an Order in Council for our guidance in granting permissions and ordering convoys. *Signed*, J. Lowther, Ri. Onslow, Robt. Austen. ½ *p. Endorsed*, My Lord President desires a committee of Trade to be summoned on Monday at 5 in the afternoon. [*Colonial Papers, Vol. LXVI., No.* 70.]

Aug. 24. **1,266.** Commissioners of Customs to Lords of Trade and Plantations. Concerning your request for information as to merchants' bonds, the Collector outwards has taken security of all English vessels clearing outwards, as well coastwise as over sea, not to go to France or to any part of Ireland not subject to the King's obedience. The Collector now brings these bonds for your inspection. But we think the inconveniences complained of are by merchants strangers and foreign shipping, from whom no such security is taken. By this means they may not only assist the enemy with such of our commodities as are useful to them, but may enjoy a trade forbidden to our own people, and we would submit to you how far it may be advisable to exact security from subjects of neutral princes. It occurs to us that the commodities of greatest importance to keep out of the enemy's hands might be named, and order given that, upon exportation, security shall be taken whether exported by English or strangers that they shall not be transported to France or any hostile part of Ireland. As to the practice of entering goods under other names than the true owners', it is the received opinion of this office that the laws against it operate only when the King is prejudiced in his customs; but we have directed our solicitor to inform himself thereon. *Signed*, R. Clayton, G. Boothe, Jo. Werden, R. Southwell, C. Godolphin. *Copy.* 2 *pp. Endorsed*, Read, 26 Aug., 1691. [*Colonial Papers, Vol. LXVI., No.* 71.]

Sept. 6. **1,267.** Index of New England Papers, from 18 April, 1689, to 6 September, 1691. 14 *pp.* [*Colonial Papers, Vol. LXVI., No.* 72.]

Sept. 9. **1,268.** List of ships from various ports bound to the West Indies, which have received protections. 1 *p. Endorsed*, Read, 9 Sept., 1691. [*Colonial Papers, Vol. LXVI., No.* 73.]

1691.
Sept. 30.
Custom House.

1,269. Commissioners of Customs to the Lords of the Treasury. By Order in Council of 20 August last the embargo on ships bound to the Plantations was raised until the 15th September, and by another order of 10th the time for ships bound to the West Indies was prolonged until to-day. It seems to us, therefore, that the embargo is again in force, and we are doubtful how to proceed until further instructed. *Signed*, Robert Clayton, G. Boothe, Jo. Werden, Robert Southwell, C. Godolphin. 1 *p.* *Endorsed*, Recd. 1st Oct., 1691. [*Colonial Papers, Vol. LXVI., No.* 74.]

Oct. 1.
Custom House.

1,270. Commissioners of Customs to Lords of the Treasury. Forwarding sundry lists of ships bound outwards. *Signed*, G. Boothe, Jo. Werden, Robt. Southwell, J. Warde, C. Godolphin. 1 *p.* *Enclosed*,

1,270. I. List of ships entered outwards from 26 August to 25 September, 1691. 1 *p.*

1,270. II. List of ships entered outwards for the Plantations from the beginning of June, 1691. 2½ *pp.*

1,270. III. Additional list of ships cleared to the Plantations.

1,270. IV. List of the Virginia and Maryland Fleet, 1691. 2 *pp.*

1,270. V. List of Bideford ships cleared for the Plantations. 1 *p.*

1,270. VI. Total number of ships cleared or to be cleared from all English Ports to the Plantations. 2 *pp.*

1,270. VII. List of ships from the outports bound to the Plantations, with their tonnage and number of their crews. 5 *pp.* [*Colonial Papers, Vol. LXVI., Nos.* 75, 75 I.-VII.]

[Oct. 1.]

1,271. Abstract of ships going out by particular permission. 1½ *pp.* [*Colonial Papers, Vol. LXVI., No.* 76.]

Oct. 5.
Custom House.

1,272. Commissioners of Customs to the Lords of the Treasury. We have examined the list of ships bound from London to the Plantations on or before the 30th September, and enclose them herewith. Of the sixty-one ships bound for the West Indies all except eight were actually cleared by the 30th; but of the twenty-two bound for Virginia and Maryland only two are actually cleared, probably because the ships bound for those parts are not included in the Order in Council of 10 September, prolonging the clearing of ships for the West Indies, so that the former embargo seemed again to be in force upon that trade, and the merchants might reasonably expect some further limitation of time and convoys for them. Again this season, but twenty-two ships, with 561 men are entered as bound to Maryland and Virginia (possibly because most of the ships employed in that trade are now at Kingsale on their way home). Last year there were allotted from the port of London to that trade 46 ships and 800 men, so that the number this year will fall considerably short of last and the merchants will be under considerable hardship compared with those of the out-ports who have already carved to themselves double the proportion of men allowed to them last year, and may, for aught we know, be already on their voyages, that is to say all the ships from Land's End to Carlisle and from

1691.

the Thames to Berwick, who by the order of 26 August last were at liberty to proceed after the 15th of September. We think, therefore, that further time and a larger proportion of men must be allowed to the trade, or at least the complement allowed to them last year, otherwise the merchants of this port will be at great disadvantage compared with those of out-ports. *Signed*, J. Warde, Rich. Temple, Jo. Werden, Robt. Southwell, C. Godolphin. 1½ *pp.* *Enclosed*,

1,272. I. List of ships bound to other parts of America besides the West Indies, Virginia and Maryland. 1 *p.* [*Colonial Papers, Vol. LXVI., Nos.* 77, 77 I.]

Oct. 6. Custom House. **1,273.** Commissioners of Customs to the Lords of the Treasury. At our last attendance in the Privy Council we were ordered not to clear any ships to the Plantations which were not cleared on or before the 30th of September last, and we await an Order in Council to that effect. Several ships laden with ordnance and other stores for the King's service in the Plantations are thereby detained; and we submit that an exception should be made in their favour. *Signed*, G. Boothe, Rich. Temple, Jo. Werden, Robert Southwell, C. Godolphin. [*Colonial Papers, Vol. LXVI., No.* 78.]

Oct. 8. Custom House. **1,274.** Secretary of Customs to William Blathwayt. I return you the list of ships bound for Maryland and Virginia, with the answer of the Collector outwards on the back thereof. *Signed*, Jno. Sansom. Thank you for the news of the surrender of Limerick. ½ *p.* [*Colonial Papers, Vol. LXVI., No.* 79.]

Oct. 10. **1,275.** William Blathwayt to the Secretary of the Admiralty. Pray inform me when the convoys to the West Indies will receive their last sailing orders, in order that directions may be sent to Portsmouth for putting on board the recruits for the Duke of Bolton's Regiment as soon as the ships arrive at St. Helens. *Draft.* ½ *p.* [*Colonial Papers, Vol. LXVI., No.* 80.]

Oct. 10. **1,276.** William Blathwayt to the Secretary of the Admiralty. The Lords of Trade desire to be informed when the convoy specially appointed for the Portugal trade will be ready to sail, and recommend its most speedy despatch. *Draft.* ½ *p.* [*Colonial Papers, Vol. LXVI., No.* 81.]

Oct. 12. Custom House. **1,277.** Secretary of Customs to William Blathwayt. I enclose the list of ships cleared outwards for the Straits and Turkey about December, 1689, also another list [*wanting*] of the ships that arrived from those parts in the last Straits' fleet. They have had before them the London merchants concerned in Virginia and Maryland, who take exception to several of the ships entered and cleared for that trade. As they ask a greater number of men and more time to fit out their ships, they resolved to apply direct to the Council. In their proposed adjustment no provision is made for New York, Pennsylvania or Carolina, whose ships together may want twenty-four men. *Signed*, Jno. Sansom. 1 *p.* *Enclosed*,

1,277. I. Lists of ships arrived in the port of London from the Straits in July, 1691. 2 *pp.*

1,277. II. List of ships for Virginia and Maryland. 1 *p.*

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1,277. III. Exceptions of the Merchants of Virginia and Maryland to the list No. II. Three of the ships are bound to Pennsylvania, and two more do not belong to the port of London. 1 *p.* [*Colonial Papers, Vol. LXVI., Nos.* 82, 82 I.-III.]

Oct. 12. **1,278.** Petition of the merchants trading to Virginia and Maryland to the Queen. Our case having been referred to you by the Commissioners of Customs, we beg to be heard. *Fifteen signatures.* 1 *p.* *Endorsed,* Recd. 12 October, 1691. At the Committee, 19 Oct., 1691. [*Colonial Papers, Vol. LXVI., No.* 83.]

Oct. 12.
Admiralty. **1,279.** Secretary of the Admiralty to William Blathwayt. The convoys for the West Indies have been in the Downs some days ready to sail, waiting only for the merchant ships going out of the river with victuals and stores; and when they get thither they will have orders to proceed to St. Helens, there to take in the soldiers. *Signed,* J. Sotherne. ½ *p.* [*Colonial Papers, Vol. LXVI., No.* 84.]

Oct. 13.
Admiralty. **1,280.** Secretary of the Admiralty to William Blathwayt. In reply to yours of 10th, there is no convoy specially appointed for the Portugal trade. In the accounts lately presented of convoys desired, it is mentioned that the Portugal and Spanish trades were designed to be provided for together, but the Admiralty has received no orders as to the convoys to be provided. *Signed,* J. Sotherne. ½ *p.* [*Colonial Papers, Vol. LXVI., No.* 85.]

Oct. 15.
St. Johns. **1,281.** The inhabitants of St. Johns, Newfoundland, to Captain Stephen Akarman. I have received yours of 16 June, being the only letter received from you since I wrote to you on the affairs of Newfoundland three years ago. I then sent home a petition to the King, but received no answer owing to the death of Sir Richard Floyd. I then sent a second petition to the present King, which was delivered by my friend Mr. Abraham Searle, of Plymouth. Therein we earnestly desired a Governor, which is mightily wanted here, for our servants have become our masters and will do nothing but what they think convenient, so that without some speedy course taken this land will be ruinated. We are still under great doubts and fears of the French, that our servants would assist them if they attacked us. As to the maintenance of a Governor, the inhabitants are willing to pay forty shillings per boat in fish, price current, which will be a suitable compensation for him to live upon; the fish to be paid on or before the 20th of August. The inhabitants are very willing to assist in raising fortifications, and our harbour may, with easy charge, be made almost impregnable. We have for our own security raised a small work according to the best of our judgments for our present defence, where we have a few guns; but we are in want of powder, shot, and other materials. I now intend home for London to appear before the King in Council, having had a ship and goods taken from me by a letter-of-marque belonging to London. I hope then to see you and give you a better account of our affairs. *Signed,* Wm. Strong, *and by eight more, two of them with marks.* 1 *p.* *Endorsed,* Read, 11 Jan., 1691-2. [*Colonial Papers, Vol. LXVI., No.* 86.]

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Oct. 22.

1,282. William Blathwayt to the Secretary of Customs. The Commissioners of Customs are ordered to apportion a thousand seamen to the ships allowed for the Virginia and Maryland trades from the port of London. The Lords of Trade expect some of the Commissioners to attend their meeting to-morrow with a report upon the matter. *Draft, with corrections.* 1 *p.* [*Colonial Papers, Vol. LXVI., No.* 87.]

Oct. 22.

1,283. The same to the same. The Lords of Trade expect the attendance of some of the Commissioners this evening at five o'clock, upon the business of the trade to other parts of America than Virginia, Maryland and the West Indies. *Draft.* ½ *p.* [*Colonial Papers, Vol. LXVI., No.* 88.]

Oct. 24.
Custom House.

1,284. Secretary of Customs to William Blathwayt. I return the list of ships bound to Maryland and Virginia, as amended in the Council Chamber, also a transcript of it after the final adjustment, also a list of ships bound to other Colonies than the West Indies, Virginia and Maryland. *Signed,* Jno. Sansom. ½ *p.* *Enclosed,*

1,284. I. Commissioners of Customs to Lords of Trade and Plantations. 23 Oct., 1691. Four merchants trading to Virginia and Maryland have apportioned the thousand seamen allotted for their trade, and we have nothing to object to that adjustment. Nine ships from the original list are omitted, for special reasons, which have been explained. If the arrangement meets with your approval, the affair needs rapid despatch. *Signed,* Rich. Temple, Jo. Werden, Robert Southwell, Robt. Clayton, J. Warde. [*Colonial Papers, Vol. LXVI., Nos.* 89, 89 I.]

Oct. 24.

1,285. William Blathwayt to the Secretary of the Admiralty. Desiring to know when the victualling ships will join the convoy in the Downs. *Draft.* ½ *p.* [*Colonial Papers, Vol. LXVI., No.* 90.]

Nov. 6.
St. Nicholas Lane, London.

1,286. John Bateman to John Povey. The three Guinea ships, to be sent out by the African Company, carry 50, 40, and 20 men. I will enquire to-morrow for the correspondents you wrote about. *Signed,* Jn. Bateman. ½ *p.* [*Colonial Papers, Vol. LXVI., No.* 91.]

Dec. 4.
On board the *Milford*, in Plymouth Sound.

1,287. Charles Hawkins to Lords of Trade and Plantations. Enclosing answers to several queries submitted by them as to Newfoundland. *Signed,* Charles Hawkins. ½ *p.* *Annexed,*

1,287. I. Answers to several heads of enquiry concerning Newfoundland. (1) From Renouse to Bonavista there are 261 planters, 149 women, 309 children, 1,331 servants. Winter-fishing lasts from the middle of September to the end of October, from which time till the end of March they wood, fell stocks, saw wood, and make oars, from Renouse to Bay Verd, and prepare for the summer voyage, which lasts from the first week in May to the third week in August. In Trinity Bay and Bonavista they make no winter voyage, but from September till May they wood and fur, and then fit out for their summer's fishing, which lasts from the middle of June to the 10th of August, the fish not coming sooner on that coast, though in greater abundance than to the southward. The charge for the outset of a boat with five men for the season is £100, so that 200 quintals of fish (which often they do not exceed) does but bring in their first expense. This year some have made 500, some 400, but most 300 quintals, and six hogsheads of train per boat. The difference may be imputed to the carefulness of the men. They fish a small distance from the shore in boats, built in the country, which, fully laden, will make out 9 quintals of cured fish, which may wait at least six weeks from the first taking before it is fit to be shipped. This year's fish has been generally sold for 12*s.* per quintal, but for some years past from 8*s.* to 10*s.* Train this year is £10 to £14 a ton. I do not find that the Western Charter was violated in any material way.

(2) The Colony is unable to support itself. It has all its fishing craft and most of its provisions from England. New England sends provisions to about 300 tons yearly, which is brought in small vessels, which load refuse-fish for Barbados. (3) The planters do not destroy the woods, but have destroyed some of the Adventurers' boats, though so secretly as not to be discovered. All places, except St. Johns and Ferryland, are well furnished with wood to build landing-stages. (4) The planters do use the ships' room, but resign their place to the fishing ships when they come. (5) No damage is now done to stages by the by-boat-keepers, for the Adventurers lodge their stages, except the beds, which they break up and carry home for fuel. (6) The by-boat-keepers have no fishing craft from New England. (7) They have little sustenance from the land. In Trinity Bay and Bonavista they take £2000 value in furs, but little to the southward. (8) New England men import provisions from their own country and from the West Indies, which some invest in refuse-fish for Barbados, others in merchantable fish for Spain and Portugal, others for drapery and cordage, which are brought from England, others for wine, brandy, and oil, which they carry home. Servants have often stayed behind by reason of debt. (9) This year the planters employed 275 boats, 1,331 men, took 81,550 quintals of fish and made 325 tons of train. The planters sell their fish at the same price as the Adventurers, though at a greater charge by 30 *per cent.* (10) The New England men fish between their own coast and Nova Scotia, in small vessels of fifteen or twenty tons, carry it home to cure, and thence transport it to Bilbao where it is sold a dollar a quintal higher than Newfoundland fish, owing to its size. (11) This year there are no fishing ships; but their custom is for the master and company to have one third of the fish and train for their wages, paying no other charges than for

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boards and oars bought in the country. The allowance of provision is the same as in other voyages. (12) This year 88 sail of ships loaded 100,450 quintals of fish, of which 18 ships were for Cadiz, 6 for Alicant, 5 for Lisbon, 7 for Oporto, 23 for Bilbao, 14 for Barbados, 4 for the Western Islands, 3 for New England, and 8 for England. (13) No encouragement is given by masters for men to stay behind, nor did any stay last year. (14) The Western Charter is observed by all, so far as I could learn. (15) The French are best seated for fish and fur. They fish as we do, only they cure upon a beach and we upon flakes, which makes their fish more valuable by 3*s.* a quintal. They make generally 400 quintals of fish per boat. This year 14 sail were reported at Placentia, and 6 at St. Peters. They usually leave the country by the 20th of August. (16) There were in Placentia 250 inhabitants, and in St. Peters 220. The French merchants sell provisions to the planters at first cost besides the freight, and the planters sell their fish to them at 20 rialls per quintal, for which they take payment in goods and money. (17) The French inhabitants employ themselves in wooding and furring in the winter. (18) I could not ascertain what quantity of fish the French take or at what charge. (19) The French begin their fishing voyage at the end of March and end the 20th of July, leaving at the end of August for their markets in Spain and Italy. (20) Since the war the French trade has decreased in the land, in what proportion is unknown. (21) The French have only Placentia fortified. It was taken in 1689 by a privateer Captain, Herman Williamson, with thirty-five men, which he landed eight miles from the place. He surprised and took the place by night, imprisoned the Governor and all the inhabitants for six weeks and then left it, lading his ship with plunder. He threw all his guns but five into the sea, and left those five at St. John's, for their Majesties' service, where they now are. In May following a privateer of 24 guns and 140 men came to Ferryland to take vengeance, but Williamson, who was there, so briskly engaged him that he left the place and went to Bay-bulls. There he plundered the inhabitants and took a New England ship and a Dartmouth Ketch. In August following another privateer of 30 guns and 200 men arrived at Ferryland, and took a London ship and two more vessels. This last May, it is reported, a Governor and two hundred men arrived at Placentia from France to fortify the place. Last year sixteen English sail were taken by the French on the coasts of Newfoundland and New England, this year two. (22) There were in Placentia seven Englishmen married to French women, who in peace held a friendly correspondency,

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but now none. (23) No foreigners fish upon the Eastern coast except the French. (24) There is no certain account of French trade upon the Bank. From Canada ten sail have yearly laden thence with furs. The French in time of peace never suffered us to trade with Indians. What commerce we had was directly with them. (25) No other nation trades here, so far as is known. (26) No further account can be given of the French trade, as there is no correspondency between them and us. The places inhabited by us have this year been supplied by our English merchants residing at Cadiz, Lisbon and Bilbao, with fifteen foreign bottoms, laden with provisions and linen cloth. The New England men have yearly carried hence to their own country from 100 to 150 seamen and fishermen, which have remained there to the damage of the adventurers and planters. *Signed*, Charles Hawkins. 7¼ *pp.* *Endorsed*, Recd. at the Committee, 11 Jan. and 27 June, 1692.

1,287. II. Abstract of the foregoing. 1 *p.* *The whole endorsed*, Recd. 15 Dec., 1691. [*Colonial Papers, Vol. LXVI., Nos.* 92, 92 I.-II.

Dec. 21. **1,288.** Account of ships sent out by the Royal African Company from 1684 to 1691:—

1685 - - - - -	38 ships.
1686 - - -	32 ,,
1687 - - - - -	24 ,,
1688 - - - -	21 ,,
1689 - - - -	9 ,,
1690 - - - - -	6 ,,
1691 - - - - -	3 ,,

1 *p.* *Endorsed*, Recd. from the African Company, 21 Dec., 1691. [*Colonial Papers, Vol. LXVI., No.* 93.]

1692.
March 2.
Whitehall.

1,289. Order of the King. Referring the petition of Thomas Lane and others to the Attorney and Solicitor General for report. *Signed*, Sydney.

Petition of Thomas Lane and others. We have discovered mines, established fisheries and opened trade with the Indians in America, and have determined to supply your navy with masts and yards, and to establish the cultivation of cotton. We also learn that some of our lands will produce grapes that will furnish more generous wines than the Madeiras. We also design to produce tar, hemp and pitch, if we can procure your charter of incorporation, without which we dare not adventure the cost. [*Board of Trade.* Trade Papers, 13. *pp.* 103-105.]

July 22.
Whitehall.

1,290. Order of the King. Referring the Attorney General's report on the petition of Thomas Lane and Company to Lords of Trade and Plantations for report. *Signed*, Nottingham.

Report of the Attorney General on the petition of Thomas Lane and Company. The most essential matter, I apprehend, is not whether the charter requested by the petitioners may legally be

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granted, but whether its erection will be for the interest of the King and kingdom, of which I am not competent to judge. If the Lords of Trade see no objection to such a charter I see no reason why it should not be granted. *Signed*, J. Somers. [*Board of Trade.* Trade Papers, 13. *pp.* 105-107.]

Nov. 3.
James City.
1,291. Gov. Sir E. Andros to the Earl of Nottingham. *Same as Cal.* 1692, *No.* 2600. 3 *pp.* [*Colonial Papers, Vol. LXVI., No.* 109.]

Nov. 10.
Portsmouth.
1,292. Governor Sir William Beeston to (?). I came hither about the end of last week and hoped to have given your Lordship a more particular account than I can do yet. I found the *Falcon* and the two storeships for Jamaica here and ready to sail, only the *Falcon's* men were not paid, but will be in a day or two. Sir Francis Wheeler's squadron are also all ready except paying the men, but the fireships and some others being not yet come round from the river, there is no prospect when we shall sail. I have been urging Sir F. Wheeler, since it may be reasonably thought that the intention of H.M. in ordering this strength for the West Indies is to weaken if not wholly to root out the enemy in those parts, to call at Cayou, a settlement of the French on the main about 90 leagues to windward of Barbadoes. *Signed*, Wm. Beeston. 1 *p.* [*Colonial Papers, Vol. LXVI., No.* 110.]

Dec. 15.
Admiralty.
1,293. Secretary of the Admiralty to William Blathwayt. Forwarding a report by Captain Crawley, of H.M.S. *Reserve*, upon Newfoundland. *Signed*, J. Sotherne. ½ *p.* *Annexed*,

1,293. I. Answers to articles of enquiry from the Lords of Trade and Plantations. (1) The number of English planters, all included, is 1,560. They depend wholly on fishing in summer and getting firewood and building their houses in winter. (2) The Colony depends on provisions imported from the British Isles and New England. (3) There is wood enough to supply the fishing-trade in all the convenient harbours for time to come out of mind. The inhabitants do not damage the materials left behind by the Adventurers. (4) The inhabitants use only their own stages, and only occupy the places of the Adventurers if the Adventurers come not. (5) The boat-keepers do not destroy the Adventurers' stages, but the masters of the ships take them down and store them. (6) The boat-keepers have all their fishing craft from old England, and nowhere else, but their provisions from England, Ireland, and New England. (7) There is no possibility of living six miles from the coast, by reason of the timber and rocks and want of arable land. The Southern part of the country takes no beaver nor furs. A small unknown quantity is taken at Trinity and Bonavista. (8) The trade from New England is provisions, sugar and molasses, with which they purchase refuse-fish for the Caribbees. No wine or brandy is imported; they are not debauched with rum; but fishing night and day

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they want liquor to enliven them against the cold. (9) The inhabitants have caught 95,900 quintals of fish. They employ 71 boats and 1,012 servants. They cannot afford fish so cheap as the Adventurers, the latter having an advantage of 30 or 40 *per cent.*; yet the inhabitants sell at the same rate as the Adventurers. (10) There is no fishing trade from New England on this coast. It is said that the fishing trade in New England decays owing to French privateers. (11) There have been no fishing ships from England since the war, and all fish taken has been taken (with few exceptions) by the planters. (12) About fifty-three sack ships have sailed for Spanish and Portuguese ports with fish, and eight for British ports with train. There are 218 stages, which are yearly repaired by the inhabitants. (13) No men have been left behind in the country since the war, for there have been no ships. (14) No known part of the Western Charter is violated except the rinding of trees, which is done by all alike including the Adventurers. (15) The French trade for furs, catch fish by Adventurers and inhabitants, and in all things do as we do. (16) There is said to be a fort and families in Placentia, but I cannot say what encouragement is given to planting. (17) The French planters lade ships with fish, and in the winter cut firing and repair their houses; they have a governor and about 150 soldiers. (18) We cannot ascertain what quantity of fish they catch, nor their rates and prices. (19) They come to the Coast five weeks sooner than we, and leave it a month earlier for Marseilles, Genoa and Leghorn. (20) The French trade has decreased since the war. (21) I cannot ascertain what forts the French have. (22) There is no commerce of the English with the French, nor do any English live among the French. (23) No foreigners fish on the Eastern coast. (24) I met no ships on the Bank nor on the coast adjoining, nor can hear any account of any. (25) The French can be disturbed only by force of arms. (26) No nations but the English and French have commerce with Newfoundland. (27) I can obtain no further particulars at present. 3 *pp.*

1,293. II. Table of the harbours in Newfoundland with the distances between them. 1 *p.*

1,293. III. Table of the inhabitants of Newfoundland, the quantity of fish and train made by them, and the ports to which the produce is exported. 2 *pp.* [*Colonial Papers, Vol. LXVI, Nos.* 94, 94 I.-III.]

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April 7.

1,294. Draft of charter of incorporation to Thomas Lane and Company. 3 *pp.*

Letter of John Povey to the Attorney General, referring the draft charter to the Attorney General for report. [*Board of Trade.* Trade Papers, 13. *pp.* 108-111.]

1693.

April 19. **1,295.** Report of the Attorney General on the draft charter submitted by Thomas Lane and Company. I see nothing in the privileges suggested in the draft that call for objection, but there are certain alterations in form which are necessary. *Signed*, Edwd. Ward. [*Board of Trade.* Trade Papers, 13. *pp.* 112-113.]

May 25.
Admiralty. **1,296.** Secretary of Admiralty to John Povey. A convoy is ready to proceed to Newfoundland. Has the Council of Trade any orders for it? *Signed*, J. Sotherne. ½ *p.* [*Colonial Papers, Vol. LXVI., No.* 95.]

May 30. **1,297.** Order of the King. Referring the petition of Richard Haynes and others to Lords of Trade and Plantations for report.

Petition of Richard Haynes, and others, residing in or near London. Some of us have for some time past maintained a trade to Pennsylvania with very good success, and have lately agreed to raise a large capital sum for augmenting and promoting a general trade. This end would be much forwarded if our public stock and estates, employed in the said trade, were secured from private debts and encumbrances and the lasting enjoyment of the same assured to us. We are advised that this cannot be unless we are incorporated, wherein we are by no means desirous of excluding others from trading to the same place. We beg you therefore to grant us a charter under the name of the Pennsylvania Company. [*Board of Trade.* Trade Papers, 13. *pp.* 86-88.]

June 12. **1,298.** John Povey to the Attorney General. Referring to him a petition and a draft charter submitted by Richard Haynes and others for the Pennsylvania Company. [*Board of Trade.* Trade Papers, 13. *p.* 89.]

June 15. **1,299.** John Povey to the Attorney General. Desiring him to make such alterations as are needed in the draft charter of Thomas Lane and Company. [*Board of Trade.* Trade Papers, 13. *p.* 113.]

July 20. **1,300.** The Attorney General to Lords of Trade and Plantations. I have considered the petitions and the draft charter of Richard Haynes and Company, and find nothing in the heads which the King may not grant if so inclined; but the draft being informal I have re-drafted it more formally and now submit it to you whether the persons nominated therein are fit to be Governors, Deputy Governors and assistants. *Signed*, Edw. Ward. [*Board of Trade.* Trade Papers, 13. *p.* 90.]

Aug. 5. **1,301.** The Attorney General to Lords of Trade and Plantations. Forwarding a draft charter from Thomas Lane and Company, merchants of New Jersey. [*Board of Trade.* Trade Papers, 13. *p.* 114.]

Aug. 24. **1,302.** Minutes of the Privy Council. Draft charters for Trading Companies to Pennsylvania and New Jersey were read, with the Attorney General's opinion thereon, and referred back to the Lords of Trade and Plantations, to whom the petitioners are to present an account of the quantity of tar, pitch and naval stores they will undertake to import into England for the use of the Royal Navy, and at what rates, also in what other commodities they intend to trade.

Abstract of the Pennsylvania Merchants' proposals. (1) On obtaining their charter they will apply themselves to making tar and pitch, and will send for men of knowledge therein from abroad. They will furnish the King with 10 tons at the end of the third year, and so forward at the market price, or sell it to the King in America. on six months' notice of the quantity required. They will also settle whale-fishers, plant hemp and flax, and will build ships and deliver plank. [*Board of Trade.* Trade Papers, 13. *pp.* 91, 92.]

Aug. **1,303**. Sir Robert Robinson to William Blathwayt. I framed a map of Newfoundland. The trade of the place is most important to England, employing 300 vessels, 9,000 seamen, and making gains of £300,000 a year. The Dutch employ many ships in Placentia, and about 100 on the Main Bank. If they should at this time seize our ports and secure St. Johns, Ferryland and Havre du Grace, they will easily command the whole country, and beat us out of the trade for ever; and this they may easily do. I advised King Charles to have a fort in each place. The French have one. *Signed*, Robt. Robinson. *A rambling statement.* 1 *p.* *Endorsed*, Aug., 1693. [*Colonial Papers, Vol. LXVI., No.* 96.]

Sept. 15. Whitehall. **1,304**. John Povey to the Secretary of the Admiralty. Referring the proposals of the Pennsylvania Company as to Naval Stores to the Admiralty for report. [*Board of Trade.* Trade Papers, 13. *p.* 93.]

Oct. 19. Admiralty. **1,305**. Lords of the Admiralty to Lords of Trade and Plantations. In the matter of the memorial of Sir John Moor, Sir Thomas Lane and other merchants trading to New Jersey, we think that the supply of Naval Stores, proposed by them, will be of great advantage, and we see no objection to their being incorporated, so long as other persons are not excluded from the trade. *Signed*, Falkland, J. Lowther, H. Priestman, P. (? R.) Rich, J. Sotherne. [*Board of Trade.* Trade Papers, 13. *p.* 94.]

Oct. 19. **1,306**. A second letter of same date and to same effect concerning the Pennsylvania Company. [*Board of Trade.* Trade Papers, 13. *p.* 116.]

Nov. 3. **1,307**. Secretary of the Admiralty to John Povey. Forwarding copies of accounts received from the Commander of the Newfoundland convoy. *Signed*, J. Sotherne. ½ *p.* *Annexed*,

1,307. I. Table of names of places in Newfoundland, and of the distances between them. 1 *p.*

1,307. II. Account of the number of the inhabitants, number of fishing ships, fish and train made in Newfoundland, and the ports to which the produce is shipped. 2 *pp.*

1,307. III. Replies to the heads of enquiry as to Newfoundland. (1) The number of English planters, all souls included, is 1,843. (8) The inhabitants have caught 104,670 quintals of fish, employing 303 boats and 1,098 servants. (10) There have been 59 fishing ships from England

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this year from 60 to 250 tons, with 1,100 men in pay. They caught 66,000 quintals. *The remainder of the 26 answers are practically identical with those given under date of* 15 *December*, 1692. 3 *pp. Endorsed*, Recd. 3rd Nov., 1693. Abstract read 18 July, '94. [*Colonial Papers, Vol. LXVI., Nos.* 97, 97 I.-III.]

Dec. 14. Whitehall. **1,308.** Order of the King in Council. Permitting ships carrying 842 seamen to proceed to the Plantations despite the embargo, two Bristol ships being substituted for one from London. Two hundred English seamen of the eight hundred allowed to the Virginia and Maryland Trade are to be distributed by the Commissioners of Customs among the merchants of London, to be sent on the trade to the Sugar Plantations. [*Board of Trade.* Trade Papers, 13. *pp.* 3, 4.]

Dec. 14. Whitehall. **1,309.** Order of the King in Council. Laying an embargo on all ships except those trading to Holland, Flanders, Hamburgh, the East Country, Ireland and Newfoundland, until the Royal Fleet be ready to put to sea. [*Board of Trade.* Trade Papers, 13. *p.* 8.]

Dec. 20. **1,310.** Minute of Lords of Trade and Plantations. Agreed to recommend the King to raise the embargo on certain ships for Virginia, Maryland, and Jamaica and permit them to sail with their competent number of English seamen. [*Board of Trade.* Trade Papers, 13. *pp.* 7, 8.]

Dec. 27. Whitehall. **1,311.** Minute of Lords of Trade and Plantations. We think that, all the conditions imposed by us having been complied with, the King may grant a charter to the Pennsylvania Company to supply the Navy with Naval Stores, if a clause be inserted empowering his Majesty to revoke the charter if after five years the Company have not fulfilled its engagements. [*Board of Trade.* Trade Papers, 13. *pp.* 97, 98.]

Dec. 27. **1,312.** Minute of Lords of Trade and Plantations. To the same effect, in favour of granting a charter to Thomas Lane and Company, merchants of New Jersey.

Note. This report being read on 24 December was respited until the petitioners should agree to the terms of the Pennsylvania Company, whereupon they brought in fresh proposals on 4 January, 1694. [*Board of Trade.* Trade Papers, 13. *p.* 117.]

[1693 ?] **1,313.** Draft of a Memorandum, in John Povey's handwriting, respecting a dispute between Sir Edward Carteret and John de la Cloche respecting New Jersey. 1¼ *pp.* [*Colonial Papers, Vol. LXVI.*, No. 98.]

1694.

Jan. 4. **1,314.** Proposals of Thomas Lane and Company, merchants trading to New Jersey. Within a year from the arrival of the first ship after the passing of our charter, we engage to furnish 20 tons of pitch and tar in the first year, 40 tons in the second, and afterwards yearly such quantities as the country will produce. We shall procure workmen to produce these goods to be delivered at such prices as their Lordships shall think fit, as also masts, timber, plank, hemp and flax. [*Board of Trade.* Trade Papers, 13. *p.* 118.]

1694.

Jan. 25. **1,315.** Certain arguments set forth by Sir Robert Robinson in favour of settling a government in Newfoundland. There used to be a Governor in Charles I.'s time, who made the French pay toll for fishing; but afterwards the place became vicious and debauched for want of a Governor, and there was and is great waste of timber for want of regulations. A Governor could be supported at little burden to the community, with advantage to its order and security. *Large sheet. A long rambling statement. Endorsed*, Recd. 25 Jan., 1693-4. [*Colonial Papers, Vol. LXVI., No. 99.*]

Feb. 2. **1,316.** William Blathwayt to the Attorney General. Instructing him to prepare a clause to be added to the charter of the Pennsylvania Company in order to prevent stock-jobbing. [*Board of Trade.* Trade Papers, 13. *p.* 95.]

[Feb.?] **1,317.** Additional proposals of the Pennsylvania Company. From the arrival of the first ship after the passing of our charter in the space of one year we engage to deliver twenty tons of pitch and tar, and in the next year forty tons, and in the successive year all that we can, which we believe will be a considerable quantity. If encouraged by the granting of a charter, we shall take care to provide workmen to draw the largest possible quantity at such a price as their Lordships shall think fit, we engage also to provide plank and timber, but we can say nothing as to hemp and flax, which need time to bring them to perfection. [*Board of Trade.* Trade Papers, 13. *pp.* 95-96.]

April 19. Whitehall. **1,318.** Order of the King in Council. Referring the petition of the Agents for the Pennsylvania Charter to Lords of Trade and Plantations for report.

Here follows, Petition of the Agents for the Pennsylvania Charter. Some five months since you granted us a Charter, on our entertaining certain proposals put forward on your behalf, for the produce of pitch and tar, determinable at will after five years. Having complied with all formalities, we sent forward two ships, are fitting out another, have bought 60,000 acres of land and have launched into divers contracts, unprofitable except for that purpose. A stop however is laid upon it pending the issue of some debates before the Lords of Trade relating to a charter there depending on behalf of New England, an ancient Colony at odds with one another, and as different from Pennsylvania in its infancy as in its forwardness,
"and without opposition is likely to happen them, should their
"success be governed by the others, whose is now wholly at an
"end upon the undertakings of some Eastland merchants promising
"to do the same thing.—These premises considered, your Petitioners
"humbly pray Your Majesty (forasmuch as they are so forward in
"their preparation) and that their charter is conditional and
"temporary, and, in case the Eastland merchants shall act against
"their interests and come up to your Majesty's designs, or your
"Petitioners forget theirs and fall short of their securities,
"or for any other supposed mischief or inconvenience, is (after
"five years) incontrovertibly determinable by the very words of the
"order, in your great justice to the promise given them and the
"assurance they have placed in it, to take off all lets from the

"passing their said charter, so as to pass the seals to be able to lay "hold of the present opportunity of a ship they are sending thither "towards answering Your Majesty's so great intent." *An extremely obscure document owing to the style.* [*Board of Trade.* Trade Papers, 13. *pp.* 100-102.]

July 5.

1,319. Secretary of the Admiralty to John Povey. A convoy is to sail shortly for Newfoundland. Have the Lords of Trade any orders to give to its commander? *Signed*, J. Sotherne. ½ *p.* *Endorsed*, Recd. 18 July, '94. [*Colonial Papers, Vol. LXVI., No.* 100.]

July 26.
Whitehall.

1,320. Order of the Privy Council. Referring a petition from the Traders to Virginia, that the ships cleared to that place and Newfoundland may be stopped until certain other ships have joined them, and that protection and convoy may be granted to them, to the Lords of Trade and Plantations for report. [*Board of Trade.* Trade Papers, 13. *p.* 22.]

Aug. 16.
Whitehall.

1,321. Order of the Privy Council. Referring the petition of the owners of the ship *Charles II.* to Lords of Trade and Plantations for report. [*Board of Trade.* Trade Papers, 13. *pp.* 147-148.]

Sept. 10.
Custom House.

1,322. Secretary of Customs to William Blathwayt. Sending lists of the ships cleared since 19 April for foreign ports, namely, 136 ships with 2,506 men. Those cleared for the Plantations, India, Guinea and the Straits have but 1,068 men, or deducting two-thirds for landsmen and foreigners, 841 English seamen. *Signed*, Jno. Sansom. [*Board of Trade.* Trade Papers, 13. *pp.* 23, 24.]

Sept. 11.

1,323. Minute of Lords of Trade and Plantations. That the Lord President be desired to move the King to order the seizure of the ship *Charles II.*, with her commander and ship's company, wherever found. [*Board of Trade.* Trade Papers, 13. *p.* 148.]

Sept. 19.

1,324. Secretary of the Admiralty to William Blathwayt. Forwarding the Admiralty's report on trades for this year. The Barbados merchants said that they intended to send no ship at present.

Here follows the Report, showing that the Virginia and Maryland trade is allowed 1,000 seamen, and sails on the 20th of October, under convoy of three men-of-war. [*Board of Trade.* Trade Papers, 13. *pp.* 26-27.]

Oct. 4.
Custom House, London.

1,325. Commissioners of Customs to Lords of Trade and Plantations. As to trade this year, the Virginia and Maryland merchants are preparing their ships, but beg that the date of sailing may be deferred from 20th to 31st inst., after which they are content that no ship not ready shall be allowed to sail. The merchants to Barbados and the Leeward Islands say that they will have no ships ready till January next, when they desire to have a competent number of seamen for twenty ships. *Signed*, Robert Southwell, C. Godolphin, Walter Yonge, Ja. Chadwicke, Samuel Clarke. [*Board of Trade.* Trade Papers, 13. *pp.* 30-32.]

1691.
Oct. 20. **1,326.** Minute of Lords of Trade and Plantations. As regards next year's trade, the Newfoundland merchants say they cannot yet tell what number of ships will be sent out, but desire a convoy to go with their fishing ships from Plymouth by 15 February next, without which the fishery cannot be carried on by them, and another convoy for their seal-ships in May. The Barbados merchants said that, if they could get a convoy, they would send off ships enough at the end of January to require 400 seamen.

The matter was referred to the Admiralty. [*Board of Trade.* Trade Papers, 13. *pp.* 38, 39.]

Oct. 24. **1,327.** Minute of the Admiralty. Upon the Minute of the Lords of Trade of 20th inst. we have already reported that it is necessary to lay an embargo on all shipping (except to Flanders, Holland and the Elbe) on 1st December, and we do not think it should be raised until the fleet is manned. [*Board of Trade.* Trade Papers, 13. *pp.* 40, 41.]

Oct. 25. **1,328.** Order of the Privy Council. Ordering the abstract of seamen required for the several trades to be referred to the Admiralty. The number of seamen required for Newfoundland is set down as uncertain, the number for Barbados at 400 and for Hudson's Bay at 150.

N.B.—The Admiralty announced on the 30th that until the Royal Fleet was manned they could not recommend the allowance of these numbers. [*Board of Trade.* Trade Papers, 13. *pp.* 42, 43.]

Nov. 15.
Bay of Bulls,
Newfoundland
1,329. Captain Christopher Hogge to Lords of Trade and Plantations. I enclose my reply to your enquiries as to Newfoundland. The weather has been so thick and foggy that I could give you no better account. *Signed,* Chr. Hogge. ½ *p.* *Enclosed,*

1,329. I. Answers to heads of enquiry as to Newfoundland. (1.) The planters in Newfoundland number 1,000, all souls included. (2.) They are obliged to import all subsistence. (3.) They do not destroy the woods, and there is plenty of timber left in proper places. (4.) They do make use of ships' rooms, in the ships' absence, and so force them to hire room. (5.) The boat-keepers and inhabitants do great damage to stages. (6.) They have no fishing craft from New England. (7.) They have little or no sustenance from the land. (8.) The Adventurers and inhabitants together employ 1,000 boats, and sent home last year 100,000 quintals of fish and 1,000 tons of train-oil. (12.) About 100 ships' men are left behind yearly. (15.) The French number about 800 souls. (20.) Placentia is well fortified, and the harbour made almost impregnable. *The remainder of the answers are practically the same as under date of* 15 *December*, 1692. 4 *pp.* [*Colonial Papers, Vol. LXVI., Nos.* 101, 101 I.]

1695.
Feb. 13. **1,330.** Minute of Lords of Trade and Plantations. The Lords agree to recommend to the King the petition of the merchants of the Leeward Islands for an allowance of 200 English seamen, and the petition of the merchants of Barbados for an allowance of two

hundred seamen, with protection for them from impressment by men-of-war in the West Indies. [*Board of Trade.* Trade Papers, 13. *pp.* 81-83.]

Feb. 28. Kensington. **1,331.** Order of the King in Council. Referring the petition of Hugh Redman to Lords of Trade and Plantations for report. *Signed*, John Nicholas. ½ *p.* *Annexed*,

1,331. I. Petition of Hugh Redman to the King. For many years I have been a great trader to Newfoundland, paying £10,000 into your customs annually; but in these last two years I have lost £18,000, chiefly in Newfoundland, owing to the French. Having a plantation and servants there I beg to be made Governor. *Copy.* 1 *p.*

1,331. II. Reasons for appointing a Governor in Newfoundland. The value of the trade, and the necessity for organizing defence against the French, who have a Governor, all of which is set forth at length. 2 *pp.* *The whole endorsed*, Recd. 2 March, 1694-5. [*Colonial Papers, Vol. LXVI., Nos.* 102, 102 I.-II.]

[Feb. 28.] **1,332.** Abstract of Hugh Redman's petition. 1 *p.* [*Colonial Papers, Vol. LXVI., No.* 103.]

March 14. Admiralty. **1,333.** William Bridgeman to William Blathwayt. Forwarding the report of the Commodore of the Newfoundland Squadron upon Newfoundland. *Signed*, Wm. Bridgeman. ½ *p.* *Endorsed*, Recd. 19 March, 1694-5, Read 4 July, 1695. [*Colonial Papers, Vol. LXVI., No.* 104.]

June 20. Whitehall. **1,334.** Order of the Lords Justices of England in Council. Calling upon the Lords of Trade and Plantations to present a scheme for next year's trade. *Signed*, John Nicholas. [*Board of Trade.* Trade Papers, 13. *p.* 119.]

July 24. **1,335.** William Blathwayt to William Lowndes. Forwarding the abstract of the merchants' proposals as to trade for the consideration of the Treasury.

The like letter to the Admiralty, 25 July, to the same purpose, for the consideration of the Admiralty.

Abstract of the proposals of the merchants. The Virginia merchants expect their ships back at the beginning of August, and hence, not knowing what number of men they will require, beg that the settlement of their quota may be deferred; but they believe their ships will be ready to sail in November. Their usual quota is 1,200 English seamen, 800 from London and 400 from the outports.

The Jamaica merchants desire 200 seamen, besides landsmen and foreigners, from the port of London and 100 from the outports; also two men-of-war to convoy their trade in October, not stopping at any port on their way out, protection for their men, and supernumerary seamen for the men-of-war on the station.

The Leeward Islands merchants desire 200 English seamen from the port of London and 100 from the outports; they desire their trade to sail not earlier than the last day of December, their convoy to be then ready in the Downs and to sail direct to the Leeward Islands without touching at Barbados.

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The Barbados merchants desire their usual quota of 400 English seamen from the port of London and 200 from the outports, and 300 landsmen and 50 seamen more to load wines at Madeira. They ask for two fourth-rates and a fifth-rate as convoy, with one fifth part in excess of their complement so as to supply the King's ships with men. They desire protection for their men at home, and that the convoy may be at the Nore ready to sail by the first fair wind after the 30th of November. Their first homeward fleet will be convoyed by the ships out there, their second fleet will arrive in July and will be convoyed by one of the ships now to be sent out.

The African Company desire protection for 250 seamen, to sail in September or October, which with 70 men now sailing in hired ships, and 70 more in their own ships, will make 390 seamen.

The Hudson's Bay Company ask for protection for 150 seamen, 60 by the 1st of March and the rest by the 1st of May. [*Board of Trade.* Trade Papers, 13. *pp.* 121-126.]

Aug. 11. Admiralty Office. **1,336.** Minute of the Admiralty on the proposals of the merchants, forwarded to them on 24 July. A general embargo should be laid on 1 December next on all foreign trades on this side of the Downs, excepting ships trading to Holland, Flanders, Hamburgh, the East Country and Ireland, and on all ships whatever trading to foreign parts (with the above exceptions) unless they be fully laden.

Ships designed to go with the convoy from the Western ports between Falmouth and the Downs should be ready to proceed to Spithead for their convoy on 15 November. The usual convoys will, we hope, be ready on the 1st of December.

We shall endeavour to comply with the request of the Barbados merchants for three convoys, if it be possible.

We are ready to grant the protection requested by the Hudson's Bay Company from 31 March, but not before.

We think that no ships should be permitted to proceed on foreign voyages (with the exceptions above named) after 1 December. [*Board of Trade.* Trade Papers, 13. *pp.* 127-129.]

Aug. 14. **1,337.** Minute of Lords of Trade and Plantations. Agreed that the report of the Admiralty on the merchants' proposals for next year's trade be laid before the Lords Justices in Council. [*Board of Trade.* Trade Papers, 13. *pp.* 129, 130.]

Aug. 15. **1,338.** Minute of the Privy Council. The reports of the Committee of Trade and of the Admiralty on next year's trade are to be referred back to the Committee of Trade, who after hearing the merchants, the Admiralty and the Commissioners of Customs, will report thereon. [*Board of Trade.* Trade Papers, 13. *p.* 130.]

Aug. 27. Custom House. **1,339.** Commissioners of Customs to Lords of Trade and Plantations. On the proposals of the merchants as to next year's trade we have nothing to object to the quota of mariners requested by the merchants to the Plantations, if they can be spared. [*Board of Trade.* Trade Papers, 13. *pp.* 131, 132.]

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Aug. 28. **1,340.** Minute of Lords of Trade and Plantations. Upon the proposals of the merchants for next year's trade and the reports of the Admiralty and of the Commissioners of Customs thereupon, the Virginia merchants engage that their ships shall be cleared at Gravesend before the 1st of December, and the Barbados merchants also. The Leeward Islands merchants desire a convoy distinct from all other trades, and the Jamaica merchants desire their convoy to be ready by 10 November. All of which matters are to be referred to the Admiralty. [*Board of Trade.* Trade Papers, 13. *pp.* 138, 139.]

Sept. 3.
Admiralty. **1,341.** William Bridgeman to William Blathwayt. The Admiralty, after considering the matters submitted to them by the Lords of Trade as to next year's trade, cannot recede from the report that they have already made. [*Board of Trade.* Trade Papers, 13. *p.* 140.]

Sept. 7. **1,342.** Minute of Lords of Trade and Plantations. Agreed to lay the Admiralty's report of 11 August upon next year's trade before the Lords Justices in Council, that directions may be given according to what is proposed therein.

Here follows an abstract of the merchants' proposals. [*Board of Trade.* Trade Papers, 13. *pp.* 141-144.]

Sept. 12.
Whitehall. **1,343.** Orders of the Lords Justices of England in Council. Order for a general embargo to be laid on the foreign trade in all English ports, as advised by the Admiralty in their report of 11 August. [*Board of Trade.* Trade Papers, 13. *pp.* 145-147.]

Nov. 6. **1,344.** Minute of the Lords of the Admiralty. On the petition of the merchants of Plymouth that when the Virginia fleet or any other fleet outward bound arrives off Plymouth with its convoy, some ships may be sent into Plymouth to conduct such ships as are then to join the rest, we think it will not be convenient in the case of any convoy to Westward to send a man-of-war to call the merchant-ships out of Plymouth, for such men-of-war have thus been left behind; but timely notice shall be sent when these convoys sail, to enable the Plymouth ships to join them. [*Board of Trade.* Trade Papers, 13. *pp.* 153, 154.]

1696.
Aug. 31. **1,345.** Copy of Articles of Capitulation between Capt. Samuel Allen and Monsieur De la Forest, Governor of York or Bourbon Fort, Aug. 31, 1696. 2¼ *pp.* French. (*Cal.* 1698. *No.* 398 I.; *and* 1696. *No.* 471 IV.)

1,345. I. Translation of preceding. 1¼ *pp.* [*America and West Indies.* Hudson's Bay, 539. *Nos.* 2, 2 I.]

Sept. 24. **1,346.** Journal of House of Burgesses of Virginia. The Burgesses were sworn, and were bidden by the Governor to choose a Speaker.

Sept. 25. Robert Carter chosen Speaker, after which the House attended the Governor, who approved their choice and made a speech. The Governor's commission to Robert Beverley to be Clerk of the Burgesses was read. Committee of Elections and Privileges appointed. John Rimmington appointed door-keeper.

Sept. 26. The Governor's speech was received and read, to the following effect. The King has been graciously pleased to send us supplies of military stores and to accept the £500 voted by the Assembly in lieu of the furnishing a quota of 240 men to New York. He has also promised speedy assistance in case of a French attack on the Colonies. I hope that you will show your gratitude by taking measures to prevent surprise, to secure our military stores on our frontiers by sea and land for our better defence. I recommend as the easiest way that you continue duties or impost on liquors, to be appropriated to such uses as you find necessary, and for the purpose of lessening the levy by poll. *Speech ends.* The House was called over and absent members excused for this time. The Committee of Elections reported as to the election of members, and decided certain disputed elections. Three members appointed to ask the Governor to appoint a messenger for the House. Committee of Public Claims and Committee of Grievances and Propositions appointed, clerks appointed, and rules for their proceedings laid down. [*Board of Trade.* Virginia, 52. *pp.* 196-205.]

Oct. 5. **1,347.** Journal of House of Burgesses of Virginia. Several propositions and grievances considered and orders given thereupon. The following Bills were read a third time and passed: Bills to ascertain the value of money; to repeal the prohibition against planting tobacco; to reward Indians for killing wolves; to alter Accomack County Court-days. Bill to ascertain fees of County Court Clerks and Sheriffs read a third time and postponed. The bills for maintenance of the clergy and for dividing King and Queen County were read a second time and committed. Adjourned to 7th.

Oct. 7. On report of the Conferrers with the Council as to the disposal and distribution of the military stores and guns, it was resolved that such matters lie wholly within the Governor's discretion and are therefore left to him to do what he thinks best. Resolved to request the Governor to appoint lookers-out to seaward to guard against surprise. A further report of the Committee of Grievances and Propositions considered, and orders given thereupon. The bills passed on the 5th were sent up to Council. The amendments to the bills for punishing fornication, for dividing King and Queen County and for maintenance of the clergy, were approved, and the bills ordered for a third reading.

Oct. 8. A further report from the Committee of Grievances was considered, and orders given for the preparation of certain Bills. Message from the Governor promising all due regard to the address respecting land south of the Blackwater. The three Bills ordered on the 7th for third reading were passed and sent to Council. The following were read a first time and ordered a second reading: Bill to ascertain the place for York County Court; Bill to punish ministers who marry persons without banns or licence; bill for suing persons to outlawry; bill to ascertain the gauge of casks. The first of these bills was further read a second time.

Oct. 9. The bill as to York County Court was read a third time and passed; the three other bills brought in yesterday were read a second time and ordered for third reading. The following were read a first time and ordered for second reading: Bill for restraint of unruly horses; bill to punish non-appearance of evidences; bill

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for limitation of actions on judgments; bill for ascertaining damages on appeal.

Oct. 10. Committee appointed to inspect the accounts of the duty on liquors. Bill for suing persons to outlawry rejected on third reading. Bill to ascertain gauge of casks read a third time and passed. Three bills were returned by the Council, two of them with amendments to which the House agreed, and the third agreed to. The following bills were read a second time and ordered for third reading: Bill for limitation of actions; to punish non-appearance of evidences; to alter inconvenient roads. Bill as to unruly horses thrown out. Bills as to letters of attorney and for the better supply of the country with arms and ammunition were read a first time and ordered for second reading. [*Board of Trade.* Virginia, 52. *pp.* 232-246.]

Oct. 12. **1,348.** Journal of House of Burgesses of Virginia. The following bills were read a third time and passed: Bill for limitation of actions; bill to ascertain damages on appeals; bill to alter inconvenient roads; bill to punish non-appearance of evidences. Bills against clandestine marriages and as to letters of attorney were read a second time and ordered third reading, and a bill for pounds in Accomack and Northampton was read a first time.

Oct. 13. Adjourned till to-morrow.

Oct. 14. The Committee on the accounts of the liquor-duty made their report. The bill for arms and ammunition was brought up by a Committee, the amendments agreed to, and the bill ordered for third reading, as was also the bill for pounds in Accomack and Northampton. Bills to prevent mischief from Maryland Indians and to appoint Rangers were read a first time and ordered a second reading. The bills as to letters of attorney and clandestine marriages were read a third time and passed.

Oct. 15. The Committee for inspecting the accounts of the liquor-duty were ordered to require a further account from Colonel Charles Scarburgh. The bills for pounds in Northampton and Accomack and for supply of arms and ammunition were passed. Four bills returned by the Council, two with amendments, and those for ascertaining the value of money and for dividing King and Queen County rejected. Bill as to Maryland Indians read a second time, and ordered for third reading. The book of claims was brought up, and consideration thereof deferred.

Oct. 16. The bill as to County Court Clerks' fees was brought up, as altered, was read a first time and amended. Address to the Governor agreed to, as follows: (1) We have resolved to thank the King in an address for his bounty to us, and to enter upon an association to defend his interest; (2) As to the Clergy and the College, we have passed a bill giving 14,000*lbs.* of tobacco in cask, without any defalcation, glebe and perquisites to the clergy, and we judge the College to be in no want of our assistance; (3) We have prepared a bill to continue the Rangers; we beg you to appoint lookers-out to seaward, for whose pay we will make provision, and we leave the care of the military stores in your hands; (4) We are about laying an impost on liquors to ease the levy by poll. Three bills returned by the Council, two of them

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amended, and one agreed to. The said amendments were in one bill agreed to, but those to the Clergy bill were reserved for further consideration.

Oct. 17. Six bills returned by the Council, three of them agreed to, two amended, and that for alteration of inconvenient roads rejected. Bill as to County Court Clerks' fees read a second time. Bills as to Maryland Indians, and as to Rangers passed. The Council's amendments to the Clergy bill were considered and a conference requested, to which the Council agreed. [*Board of Trade.* Virginia, 52. *pp.* 246-256.]

Oct. 19. **1,349**. Journal of House of Burgesses of Virginia. Further orders were given to Colonel Scarburgh to perfect his accounts. The Association for defence of the King, and an address of congratulation and thanks to him for his care of the Colony and his indulgence to it in the matter of the quota of New York, were read and agreed to. Bill to regulate County Court clerks' fees read a third time and passed.

Oct. 20. The address was signed by the Speaker, and the Association by every member, and both were sent up to the Governor. Further report was made as to Col. Scarburgh's accounts. The Conferrers in the Clergy Bill having reported the matter of the Conference, the Burgesses resolved to adhere to their Bill with such amendments only as they had before agreed to. Book of claims considered.

Oct. 21. Committee of the whole House considered the allowance to the officers of the Burgesses. Four bills returned by the Council with amendments, some of which the House would not accept. The Conferrers on the Clergy Bill thereupon took up one of their bills only with them, being agreed to. Bill for impost on liquors read a first time. Book of Claims sent up to Council.

Oct. 22. Bill for impost on liquors thrown out on the second reading.

Oct. 23. Message from the Council, pointing out the ill return made by the Burgesses for the King's bounty in their behaviour as to the Clergy Bill, and pressing that it may be passed as amended by the Council. The House thereupon agreed to pass the bill with such alterations as the Council had offered to accept at the Conference, and so informed the Council.

Oct. 24. The Council sent down the Clergy Bill and another, agreed to according to the amendments, two more bills amended, and another bill rejected. [*Board of Trade.* Virginia, 52. *pp.* 257-266.]

1,350. Case of the Hudson's Bay Company in reference to the Canada Company of France and their servant Gabriel de la Forest. *Printed Fly Sheet.* 1 *p.* [*America and West Indies.* Hudson's Bay, 539. *No.* 4.]

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Jan. 15. **1,351**. Council of Trade and Plantations to the King. Representation about the capitulation of Fort York (Bourbon). 5¾ *pp.* (*See Cal.* 1697. *No.* 592.) [*America and West Indies.* Hudson's Bay, 539. *No.* 6.]

Jan. 27. Jamaica. **1,352**. Governor Sir William Beeston to the Duke of Shrewsbury. I transmit a duplicate of my letter of Oct. 17, 1696, and the

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news I have received of M. Amblmont's squadron, and the examination of three French prisoners taken by Capt. Moses. (*etc. Cal.* 1697. *No.* 639 vii.) The Spaniards, in spite of the peace, use our people barbarously. I send your Grace depositions of three Englishmen that have been prisoners among them. (*And see Cal.* 1697. *Nos.* 639, 639 i.-vi.) *Signed,* Wm. Beeston. 2 *pp. Enclosed,*

1,352. i. Copy of letter of same to same. Oct. 17, 1696. (*Cal.* 1696. *No.* 325.) 1 *p. Signed,* Wm. Beeston, *Endorsed,* Duplicate of my letter by the *Association* Galley.

1,352. ii. Copy of news about the progress of the war received at Jamaica, Oct., 1696. 1 *p.*

1,352. iii. Copy of examination of 3 French prisoners. Jan. 19, 1697. Information as to movements of French ships. 1½ *pp.*

1,352. iv. Copy of letter from M. Ducasse, Hispaniola, Jan. 30, 1697, to Gov. Sir Wm. Beeston, demanding the restoration of Grubbin etc. (*See Cal.* 1697. *No.* 639.) 1 *p.*

1,352. v. Copy of Depositions of Leonard Low, Charles Johnson, and George Bourchall, mariners, to the effect that in 1692-3 they and other Englishmen were seized by the Spaniards in the Bay of Campeecha, carried to Vera Cruz and there imprisoned, chained and forced to labour. 1¾ *pp.*

1,352. vi. Copy of Deposition of Edward James, master of a Jamaican sloop, as to outrages committed by the Spaniards upon his crew when forced ashore in Cuba. 30 Jan., 1686 (*presumably in error for* 1696-7).
Copy of deposition of Wm. Fullwood, master of the *Dolphin* of Philadelphia, as to a similar outrage by the Spaniards. 1½ *pp.* [*Colonial Papers, Vol. LXVI., Nos.* 111, 111 i.-vi.]

May 19.
Jamaica.

1,353. Sir Wm. Beeston to the Duke of Shrewsbury. The approach of M. Pointis' squadron obliged me to detain H.M.S. *Southampton* and despatch the merchant ships without convoy. A fortnight past the *Morning Slave* of Holland, Abraham Leonardson, master, ran ashore on an island 12 leagues from here. He had been trading with the Spaniards. With the consent of the Council I allowed him to sell what he saved from the wreck. We made what preparation we could to resist M. Pointis, expecting his attack daily and putting ourselves to great expense. About March 20 he stood away for the Spanish Main. Had he come upon us I much question if we could have sustained the shock. On May 16, Vice-Admiral Nevill arrived with his squadron. Bad weather keeps him in port.

May 24. A sloop from Porto Rico reports the Galleons are coming here to victual.

May 25. Vice-Admiral Nevill sailed from Cartagena. *Signed,* Wm. Beeston. *Holograph.* 2 *pp.* [*Colonial Papers, Vol. LXVI., No.* 112.]

1697.

June 13. **1,354.** Governor Sir W. Beeston to the Duke of Shrewsbury. I enclose deposition of Edward James and Wm. Fullwood. [The Spanish] have killed many of our people in cold blood, wherever they have met with them, and when asked why, their common answer is "You are Heretick dogs and therefore ought to be destroyed." I hope His Majesty will take notice of this usage of his subjects; otherwise our people in revenge will destroy them. *Continues to same effect as Cal.* 1697, *No.* 1080, *paragraph* 2. *Signed,* Wm. Beeston. *Holograph.* 1 *p.* [*America and West Indies.* Jamaica, 540. *No.* 51.]

July 2. **1,355.** Council of Trade and Plantations to Mr. Secretary Trumbull. We enclose memorials as to New York, St. Christopher's, Newfoundland and the African Company, as desired. *Signed,* Tankerville, Ph. Meadows, John Locke, A. Hill. 1 *p.* *Annexed,*

1,355. I. Memorial as to St. Christopher's. Setting forth the disputes of the English and French over the Island since the treaty of Breda in July, 1667 to 1686. 11 *pp.*

Copy of a letter from the Secretary of the African Company, 29 June, 1697. Relating damage done to the settlements in the Gambia from 1686 to 1688; the capture and destruction of Fort James on the Gambia in 1695 and the plunder of Sierre Leone in the course of the war. We hope that the French may be excluded from trading to those parts, having no factory there. 1½ *pp.*

Memorial as to New York. A brief summary of the attempts of the French to gain the Five Nations, and their encroachments to gain the beaver-trade from 1684 to 1696. 4 *pp.*

Memorial as to Newfoundland. Recounting the attacks of the French upon the island in 1694 and 1696. 1 *p.* [*Colonial Papers, Vol. LXVI., Nos.* 105, 105 I.]

July 6. Whitehall. **1,356.** Council of Trade and Plantations to Mr. Secretary Trumbull. Forwarding memorials relating to Jamaica, and to Nova Scotia and New England, for the use of the Plenipotentiaries at the Hague. *Signed,* J. Bridgewater, Tankerville, Ph. Meadows, John Locke, Abr. Hill. ¼ *p.* *Enclosed,*

1,356. I. Memorial respecting Jamaica. The damage done by the French in Jamaica during the present war is computed at £450,000. Our own attempt upon Hispaniola in 1695 had little success. Since 1687 the French Governor of Hispaniola has forbidden the inhabitants of Jamaica to fish for turtle, as they used, in the Isle des Vaches, which is accounted a hardship. 1 *p.*

Memorial respecting New England and Nova Scotia. Accadie was ceded to the French in 1670, but nevertheless the Governor of New York claimed the country from Pemtagout to the River St. Croix. In 1688 the French and Indians made raids on the Eastern frontier of New England. In 1690 Sir William Phips took Port Royal, which was shortly after retaken by the French. Since

1697.

that time the country has remained open. In 1696 the French took and destroyed Pemaquid, whereupon the inhabitants fled. 2½ *pp.* [*Colonial Papers, Vol. LXVI., Nos.* 106, 106 I.]

July 9.
Whitehall.
1,357. Council of Trade and Plantations to Mr. Secretary Trumbull. Forwarding a statement of the damage done by the French to the Hudson's Bay Company from 1683 to 1696. ½ *p.* *Annexed,*

1,357. I. Memorial of the Hudson's Bay Company (*No.* 1,358). [*Colonial Papers, Vol. LXVI., Nos.* 107, 107 I.]

July 9. **1,358.** Memorial of the Hudson's Bay Company. The French have inflicted many great injuries upon the Company.

(i.)	Invasion of Radisson, Aug. 14, 1683. Damage - - - - - -	£25,000	0	0
(ii.)	Attempt on Port Nelson, 1684. Damage	£10,000	0	0
(iii.)	Seizure of the *Perpetuana Merchant*, 1685. Damage - - - -	£7,014	19	8
(iv.)	Destruction of Forts Albany, Rupert and Moose River, etc. (1686) - - -	£50,000	0	0
(v.)	Seizure of the *Hayes* sloop, 1687 - -	£1,500	0	0
(vi.)	Seizure of the *Churchill*, *Young*, and *Husband* frigates, etc. (1688) - -	£15,000	0	0
(vii.)	Expense of recovering Albany Fort, 1693	£20,000	0	0
(viii.)	Capture of York Fort by the French, 1694 - - - - - -	£18,000	0	0
(ix.)	Expense of retaking York Fort, 1696 -	£8,000	0	0
	Total -	£154,514	19	8

The Company have now only York Fort and Albany Fort. All the others they had were destroyed by the French. *Copy.* 4¾ *pp.* *Endorsed,* July 9, 1697. [*America and West Indies.* Hudson's Bay, 539. *No.* 7.]

Dec. 24. **1,359.** Council of Trade and Plantations to the King. Report as to the restoration of St. Christopher's or other parts of America. Copy. 6 *pp.* (*Same as Cal.* 1697, *No.* 124.) *Annexed,*

1,359. I. Rough draft of announcement to the French ambassador that orders are being prepared for the giving back of that part of St. Christopher's which the French held before the Declaration of War. As to the restitution of vessels unjustly seized, the two in question have been set at liberty. The King hopes that the six vessels detained so long at Dunquerque will be similarly treated. *French.* 1 *p.* [*Colonial Papers, Vol. LXVI., Nos.* 113, 113 I.]

1698.
April 29. **1,360.** Copy of a Memorial relating to the capitulation of Fort Bourbon, 1696. (*See Cal.* 1698. *No.* 398.) 2 *pp.* *French.* [*America and West Indies.* Hudson's Bay, 539. *No.* 1.]

May 11.
Cockpit.
1,361. Council of Trade and Plantations to the King. Representation about the capitulation of Fort Bourbon, 1696. (*See Cal.* 1698. *No.* 450.) 2¾ *pp.* [*America and West Indies.* Hudson's Bay, 539. *No.* 5.]

1698.
May 12. **1,362.** Copy of a Memorial received from the Hudson's Bay Company in answer to the French Memorial. (*See Cal.* 1698, *Nos.* 398, 419.) 4½ *pp.* [*America and West Indies.* Hudson's Bay, 539. *No.* 3.]

[? 1698.] **1,363.** An Account of the Hudson's Bay Company. An attack on the occasion of the Company's applying to Parliament "to be established in a boundless charter." Their trade is inconsiderable, their charter boundless and so void by law, giving as it does sovereign power to them: it engrosses the greatest part of the trade of New York and New England, cramps industry, and discourageth ingenuity, and is in itself of no moment to the nation. There is no need of a Joint-stock to carry on their trade, nor forts to secure it: their pretended forts are no better than pigsties in England, being a few pine-trees, squared and laid one upon another and rammed only with moss to keep out the wind. *Printed fly-sheet.* 1 *p.* *Undated.*

Case of the Hudson's Bay Company. (*Reply to preceding?*) *Printed fly-sheet.* 1 *p.* *Undated.*

Notes on the case of the Hudson's Bay Company in the handwriting of Mr. Secretary Vernon. ½ *p.* *Undated.* [*America and West Indies.* Hudson's Bay, 539. *Nos.* 14, 12, 13.]

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